

MID-AMERICA

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The Northwestern Frontier and the Impact of the Sioux War, 1862

Minne-ha-ha, laughing water
Cease thy laughing now for aye,
Savage hands are red with slaughter
Of the innocent today.

Ill accords thy sportive humor
With their last despairing wail;
While thou'rt dancing in the sunbeam
Mangled corpses strew the vale.

Change thy note, gay Minne-ha-ha;
Let some sadder strain prevail. . . .¹

Perhaps even Captain Richard Chittenden, reputed composer of this gruesome parody, was not aware of the extent of the Sioux outbreak. As swiftly as the sun-kissed falls of his poem, the native warriors were tumbling across prairie and forest of Minnesota, Dakota, and Iowa. John G. Nicolay, one of Lincoln's secretaries,

Note: After this paper had been submitted for publication in these pages, C. M. Oehler's *The Great Sioux Uprising* was published by Oxford University Press. The paper remains different from the book in its approach and perspective, and amplifies Mr. Oehler's work with respect to causes and effects of the uprising. Professor Jones kindly consented to write a review of Oehler, which may be found in the book review section of this number. Editor.

¹ The poem is attributed to Captain Richard H. Chittenden, on leave from Company E, First Wisconsin Volunteer Cavalry, and was composed while riding with a group of Minnesota cavalry to the relief of Fort Ridgely. Quoted from Nathaniel West, *The Ancestry, Life, and Times of Hon. Henry Hastings Sibley, LL.D.*, St. Paul, Minnesota, 1889, 250.

urgently telegraphed an on-the-spot report to Secretary of War Edwin M. Stanton:

The Sioux, mustering perhaps 200 warriors, are striking along a line of scattered frontier settlements of 200 miles, having already massacred several hundred whites, and the settlers of the whole border are in panic and in flight, leaving their harvest to waste in the fields as I myself have seen even in neighborhoods where there is no danger. The Chippewa are . . . turbulent . . . and the Winnebagos are suspected of hostile intent. . . . As against the Sioux it must be a war of extermination.²

This full-scale war broke out in Minnesota on August 17, 1862, a time as unfortunate for the Union as it was propitious for the Indians. In spite of the savage hands red with slaughter and the mangled corpses in the vale of the Minnesota River, the war-whoops and tom-toms and shotguns on the northwestern frontier were scarcely heard above the rebel yells and drums and din of cannon fire in the South.

None the less, the noise in the north had an ominous overtone. The Sioux scarcely were an obscure tribe known just by the French traders, for they had been allies of the English in the War of 1812, had helped the United States track down and destroy the remnants of Blackhawk's tribe, had terrorized the California trail in the 1850's, and as late as 1857 a renegade group had massacred thirty-two settlers at Spirit Lake, Iowa. The 1862 uprising was on the largest scale yet, however, and, taking advantage of hindsight, one may note this proud and untamed people was not to be finally quieted until after the battle of Wounded Knee, two weeks after the death of Sitting Bull, in 1890. Individual murders and petty riots continued for some time even after that. The names of General George Crook and Colonel George A. Custer have become almost legendary; but the names of John Pope and Henry H. Sibley, men who first handled the Sioux problem, have been all but forgotten.

A number of factors combined to precipitate the savage explosion in the northwest in August, 1862. Originally, the Mdewakanton, Wahpeton, and Sisseton tribes of the Sioux nation roamed the extensive, beautiful, and fertile regions of northwestern Iowa, western Wisconsin, southwestern Minnesota, and adjoining Dakota

² *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I-IV, Index and Atlas, 74 vols. in 132, Washington, 1895-1901 (1), Ser. I, vol. XIII, 620; hereafter cited as *Official Records*. Nicolay was in the Northwest on an assignment to the Chippewa Indians.

Territory. Herds of buffalo grazed over rolling plains that were scattered with wooded groves, countless lakes, streams, and rivers; a vast area with an abundance of wild-fowl and fur-bearing animals such as otter, mink, beaver, and deer.³ The attraction of this country was as strong for white settlers as it was for the native Sioux, and the advance of the white settlers into it was an inevitable as the expulsion from it was for the Indian. By a series of treaties over a period of sixty years the Sioux were compressed into an ever-dwindling reserve that by 1858⁴ had been reduced to a ribbon of land ten miles wide, located along the south bank of the Minnesota River and spanning the 150 miles between Lake Traverse and a point just below Fort Ridgely.⁵

The Mdewakanton and Wahpekuta⁶ occupied the lands below the Yellow Medicine River, called the Lower Reservation, while the Sisseton and Wahpeton inhabited the area above the Yellow Medicine, which was termed the Upper Reservation.⁷ The Indian agent, whose job included the administration of the treaties, resided among them and established two places for the transaction of his business; the Lower or Redwood Agency, located fourteen miles above Fort Ridgely, and the Upper or Yellow Medicine Agency, situated at the mouth of the Yellow Medicine River. Around these agencies were small villages of residences, stores, warehouses, schools, and churches.⁸ The missionaries Stephen Return Riggs and Thomas Smith Williamson had schools and churches a few miles above the Yellow Medicine; at Lac qui Parle were the house and school of another missionary, Amos W. Huggins, along with a government storehouse and blacksmith shop; and at the Lower Agency was the mission of Samuel W. Hinman. At Big Stone Lake and at other points on the reservation, trading posts had been established.⁹

³ Isaac V. D. Heard, *History of the Sioux War and Massacres of 1862 and 1863*, New York, 1864, [13], 14.

⁴ Charles J. Kappler, *Indian Affairs, Laws and Treaties, Senate Document No. 452, 57 Cong., 1 Sess. (Serial 4254, Washington, 1903)*, vol. II, 177, 586, 590, 594. Other treaties were: 1830, 218; 1836, 347, 355, 357; 1837, 366, 439; 1851, 437, 438, 440.

⁵ Heard, *Sioux War*, 18.

⁶ The spelling of Indian names varies from writer to writer. Where questionable the spellings used are those in Appendix I, "Revised Spelling of Names of Indian Tribes and Bands," in Kappler, *Indian Affairs*, vol. I, 1021.

⁷ Heard, *Sioux War*, 18.

⁸ *Ibid.*, 21, 22.

⁹ *Ibid.* Also, Stephen R. Riggs, *Tah-Koo Wah-Kaí, or the Gospel Among the Dakotas*, Boston, c. 1869, 107, 312; cited hereafter as Riggs, *Gospel Among the Dakotas*. Henry Benjamin Whipple, *Lights and Shadows of a Long Episcopate*, New York, 1912, 61-62.

Living in scattered groups mostly along the Minnesota River, there were some 6,600 Minnesota Sioux of the several tribes, and another 3,000 or 4,000 Yanktonai Sioux roaming in nearby Dakota Territory.¹⁰ The treaties meant to bind the Sioux were not much different from those the government made with other tribes. The Sioux did not wholly understand them or, with reason, trust those who administered them. These treaties had a two-fold purpose: to civilize and to educate the Indians. But the treaties of 1858 with the Sioux on the Minnesota Reservation differed primarily from those of 1851¹¹ in reducing the area of the reservation by one half. This divested the ten-mile-wide band on the north bank of the river from the reservation. This land was sold publicly, and its proceeds up to \$70,000 were paid to the chiefs and headmen. The remainder was surveyed, eighty-acre tracts were allotted to heads of families "as soon as practicable," and the rest of the land held in common. The usual treaty stipulations were included: the right of the United States to maintain military posts, roads, and the like, on the reservation; assurances of friendly relations among the bands of Indians and between them collectively and the United States; agreements to surrender to justice criminals and offenders; an article for the enforcing of prohibition, and another giving the Secretary of the Interior discretionary power over disbursement of annuities.¹² The amounts agreed to in the 1851 treaties were not changed. Annual interest payments at five per cent drawn from trust funds totaling over \$3,000,000 continued for purposes of agricultural and educational improvement and for "goods and provisions." The treaties and the annuity allotments were the result of cession by the Sioux of "all their lands in the State of Iowa; and all their lands in the Territory of Minnesota. . . ."¹³

Another section of the treaty, an attempt to convert the Sioux to a stationary, agricultural people, caused dissatisfaction. The stipulation allocating eighty acres to a family and disbursing annuities for purposes of education and agriculture was particularly annoying. Sioux Agent Thomas J. Galbraith states the policy of refining the Indians in very bold terms:

¹⁰ *Report of the Secretary of the Interior, 1863, House Executive Document No. 1, 38 Cong., 1 Sess. (Serial 1182, Washington, 1864), 410*: report of Thomas J. Galbraith, Sioux Agent, dated St. Paul, January 27, 1863. See also *House Executive Document No. 68, 37 Cong., 3 Sess. (Serial 1163, Washington, 1863), 38*: included in this document is another copy of Galbraith's report plus other papers pertaining to the same subject.

¹¹ Kappler, *Indian Affairs*, vol. II, 437, 438, 440.

¹² *Ibid.*, 590-597.

¹³ *Ibid.*, 437, 438, 439.

By my predecessor a new and radical system was inaugurated practically, and in its inauguration he was aided by the Christian missionaries and by the government. The treaties of 1858 were ostensibly made to carry this new system into effect.

The theory, in substance, was to break up the community system among the Sioux; weaken and destroy their tribal relations; individualize them by giving each a separate home, and having them subsist by industry—the sweat of their brows; till the soil; make labor honorable and idleness dishonorable; or, as it was expressed in short, “make white men of them.”¹⁴

This program proved abortive. About 175 “annuity Sioux” became farmers, but the great majority had not and they manifested considerable hostility toward those who had. The farmers were known as “Cut-hair and breeches” Indians (because they adopted the white men’s dress) or “Dutchmen,” a name of opprobrium, while the others were known as “Scalp-lock” or “Blanket” Indians.

The few who were farmers had made considerable progress, in spite of harassment by the others. They had put almost 3,000 acres under cultivation, two thirds in corn, in the spring of 1862. They expected a harvest of about 53,000 bushels of turnips, including rutabagas, some other vegetables, and a small amount of wheat. The estimated total value of these crops was about \$119,400.¹⁵ The white men conceded this to be a good beginning.

A second facet of the civilizing of the Sioux was the activity of the missionaries, though it was even less successful than the attempt to make farmers of them. “Indeed, with quite a large majority of that people the settled purpose not to change their religion and the customs of their fathers was manifest. . . .”¹⁶ The lure of getting a feather as the decoration of a warrior and their reluctance to do such squaw’s work as farming, showed the hold of tribal customs, on occasion even upon Indians who were supposed to be civilized. The tribal affiliation was so strong among many that they participated in the Sioux outbreak of 1862, although they realized the futility of such an action.¹⁷

The proud nature of the Sioux was a powerful factor in their

¹⁴ *House Executive Document No. 68, 25–26; “Chief Big Eagle’s Story of the Sioux Outbreak of 1862,” Collections of the Minnesota Historical Society, vol. 6, St. Paul, 1894, 384.*

¹⁵ *House Executive Document No. 68, 15–16, 26, 34.*

¹⁶ Riggs, *Gospel Among the Dakotas*, 391; Whipple, *Lights and Shadows*, 62. In the nine months after the opening of the first mission at the Lower Agency, Rev. Hinman was able to confirm only seven of the several thousand that lived nearby.

¹⁷ “Chief Big Eagle’s Story,” 387, 390.

arrogance toward the whites. This certainly stood behind the mosaic of causes that influenced the outbreak of warfare on the northwestern frontier. Chief Big Eagle, thirty-two years after his participation in the uprising, gave reasons for the war similar to those noted by Galbraith, substituting for his dim view of the Indian an equally dim view of the white man. Big Eagle spoke disparagingly of the presence of traders at the annuity payment (which they attended to collect their debts, just or unjust) and also told of the Indian distrust of them. The Sioux were also irritated by the superior attitude of the white man (because "the Dakotas did not believe there were better men in the world than they") and by the white man's abuse of Indian women. He blamed the "Blanket"-versus-"Farmer" controversy on the whites. When Galbraith enlisted a volunteer company of half-breeds at the agencies the Sioux were convinced the North was desperate in its struggle with the South. Big Eagle also criticized the change in administration in 1861, and the appointment of new agents and a new Superintendent of the Northern District, Clark Thompson, and their innovations in the management of Sioux affairs. He spoke of the weakened condition of the frontier, which seemed to present the redmen with a good opportunity to recover their lands. Many Sioux hoped a war might once again unify them. They believed the Chippewa, as well as the Winnebago, would assist them.¹⁸

Apparently there was much discussion of these matters among the Sioux, who substituted temper and pride for reason and became belligerent that summer. On June 25, as the payment of annuities usually took place about then, they made a demonstration about the Upper Agency, and inquired about their money. Galbraith told them he did not expect the payment to arrive before July 20, issued them some provisions, and sent them home.¹⁹ On July 14, about 4,000 annuity Sioux and 1,000 Yanktonai (who were not included in the payments, but who claimed a share) came down to the Yellow Medicine to collect their money. Galbraith was puzzled as to how to deal with them since the money still had not arrived, but he managed to put them off and keep them fed until August 1, when his supplies were nearly used up.²⁰ On August 4 the Sioux surprised the agency and the troops on guard and forcibly

¹⁸ *Ibid.*, 384-387.

¹⁹ *Ibid.*, 388; Heard, *Sioux War*, 44-46; *House Executive Document* No. 68, 16; *House Executive Document* No. 58, 38 Cong., 1 Sess. (Serial 1189, Washington, 1864), 11-12.

²⁰ Heard, *Sioux War*, 47; *House Executive Document* No. 68, 17.

broke into the government warehouse.²¹ The troops succeeded in restoring order, and Galbraith, in the presence of Captain John F. Marsh, of Company B, Fifth Minnesota Volunteer Infantry, and of the missionary, Riggs, issued the "annuity goods and a fixed amount of provisions, provided the Indians would go home and watch their corn, and wait for payment until they were sent for."²² The Indians withdrew, and for the time being a serious incident was avoided.

Even so, it was clearly evident that the Sioux were aggressively inclined. Accounts other than Chief Big Eagle's agree that the major causes of discontent were the treaty and the annuity delay, in combination with the opportunity the Indians thought they had found to retake the land they had bartered away.²³ The previous fall, Galbraith and Thompson had unjudiciously attempted to substitute goods for money in the annual payments, and Thompson foolishly encouraged the Sioux to expect "a further bounty" without telling them this would be a part of their 1862 allowance. In order to come in and get this "great gift" the Indians skipped their annual hunt, which would have brought them more benefits than the goods did. When the Sioux finally learned that this bonus was an advance on the next year's annuity, they became "greatly exasperated."²⁴

Stories of the Civil War seemed to have a psychological effect on them also. One observer reflected that the effect of war stories

²¹ *Ibid.*; also, the Board of Commissioners, *Minnesota in the Civil and Indian Wars 1861-1864*, 2 edn., St. Paul, 1891, 246-247. Agent Galbraith claims that the Indians broke into the warehouse at gunpoint. His statement agrees with that made by Lt. Thomas B. Gere in the work above, but Stephen R. Riggs, in *Mary and I, Forty Years with the Sioux*, Chicago, c. 1880, 151-152, claims that the Sioux were unarmed. These volumes are cited hereafter as *Minnesota in the Civil and Indian Wars*, and Riggs, *Forty Years*.

²² *House Executive Document No. 68*, 17; *Executive Documents of the State of Minnesota for the Year 1862*, St. Paul, 1863, [415]-416. Hereafter cited as *Minnesota, Executive Documents, 1862*.

²³ *House Executive Document No. 68*, 16-17, 28, 29; *Minnesota in the Civil and Indian Wars*, 728; Heard, *Sioux War*, 41-42; Riggs, *Gospel Among the Dakotas*, 328-329, 329-331; Adrian J. Ebell, "Indian Massacres and War of 1862," *Harper's New Monthly Magazine*, vol. XXVII, June, 1863, 7; Samuel J. Brown, "In Captivity: the Experience, Privations, and Dangers of Samuel J. Brown and Others while Prisoners of the... Sioux During the... War of 1862..." *Senate Miscellaneous Document No. 28*, 56 Cong., 2 Sess. (Serial 4029, Washington, 1900), 2 (hereafter cited as "In Captivity"). According to Riggs, the annuity payment was delayed because the Sioux would not accept the fact that the payment the previous fall was deductible from 1862 annuity, causing the delay. The money was on the way to St. Paul by August 13 and reached Fort Ridgely on August 18, the day after the outbreak began.

²⁴ Riggs, *Forty Years*, 147-148.

"operates very powerfully upon the warlike Indians,"²⁵ while another remarked that "the war for the Union, has been a fruitful source for trouble among the Sioux, exciting inquiry, restlessness, and uneasiness. . . . The effect . . . upon the savage and superstitious minds of the Indians can be easily imagined."²⁶ Perhaps "If there had been no Southern war, there would have been no Dakota uprising and no Minnesota massacres!"²⁷

There were rumors that Confederate agents fomented the trouble but, though this was given some credence, it was never proved. Also the English in Canada were thought to have implicated themselves to some extent in the outbreak.²⁸ This too was never satisfactorily demonstrated, although the Indians in the following years did receive supplies from north of the border.²⁹ Certainly, the Sioux seem to have had sufficient provocation for war without urging from the Confederates or the English.

There were also rumors rumbling along the frontiers that the Sioux were not alone in their intent to evict or kill the white man. A simultaneous uprising of the Chippewa was narrowly averted, and the Winnebago were virtually forced into the affair. The Winnebago had been relatively quiet, since they were in no position to be otherwise. Their reservation was in the heart of very good land, and as a result they were hard pressed by the settlers, who coveted this land and who scarcely needed the excuse of a war to take it. The Winnebago lived in double jeopardy after the outbreak, fearing the Sioux, who threatened to exterminate them unless they joined in, and apprehensive of the whites, who bore them more animosity than ever, just because they were Indians, and because it was rumored that some of them had joined the uprising. Their agent, St. A. D. Balcombe, swore to their loyalty, and had two companies of troops stationed "in their midst, which . . . allayed their fears" apparently. Balcombe admitted the presence of Winnebago at the massacre of the Lower Agency, however, and was not sure that some did not take part.³⁰ Little Priest and a few of his

²⁵ Riggs, *Gospel Among the Dakotas*, 330.

²⁶ *House Executive Document No. 68*, 29.

²⁷ Riggs, *Gospel Among the Dakotas*, 331.

²⁸ *House Executive Document No. 68*, 2, 8, 29; *Minnesota in the Civil and Indian Wars*, 729; *Report of the Secretary of the Interior*, 1862, 8, 9, 232; John G. Nicholay, "The Sioux War," *The Continental Monthly*, vol. III, January, 1862, 197.

²⁹ Joint Committee on the Conduct of the War, *Supplemental Report of the Joint Committee on the Conduct of the War*, Washington, 1866, "Report of Major General John Pope," vol. II, 198.

³⁰ *Report of the Secretary of the Interior*, 1862, 174-176, 177, 227-231, 236-237.

warriors of that tribe were said to have actively participated in the outbreak³¹ and probably did so. But in the main, the Winnebago were at peace.

The Secretary of the Interior saw an even larger pattern, involving nearly all the Indians west of the Mississippi, with some evidence seemingly supporting it.³² The Indian agent in Utah had written on August 5 that the Shoshone were attempting to organize "the Cum-um-bahs, the Gros Utes, and the Shoeegars, or Bannack Diggers" in a war against the whites and were in fact already committing depredations; an agent of the overland mail company informed the Postmaster General that "a general war with nearly all the tribes east of the Missouri river is close at hand;" the acting Commissioner of Indian Affairs on September 19 in a public advertisement warned of the danger of crossing the plains; and a missionary, Peter J. DeSmet, warned of the excited attitude of the Gros Ventre, the Ariccaree, the Mandan, the Assinaboine, and the Blackfoot, and strongly suspected that traders from north of the border were exciting them. He also had heard that the Missouri Sioux were agitated.³³ Captain James L. Fisk, who took an expedition to the mines in the northern Rockies, reported that the Assinaboine were saucy, and that "their conduct convinced me that they were knowing to the raid of the Sioux Indians."³⁴ While this seemed to the Secretary of the Interior to indicate a general conspiracy in the West, its existence in more than coincidence is doubtful.

There is, however, some tenuous evidence to sustain a belief in a premeditated plan in the case of the Sioux, Chippewa, and Winnebago of Wisconsin. As mentioned previously, some Winnebago almost certainly took active part, even though most of them did not. Of Hole-in-the-day, an influential Chippewa chief, Thompson said that, "He [Hole-in-the-day] also carried on a correspondence with Little Crow, leader of the Sioux raid,"³⁵ although evidence against

³¹ *House Executive Document No. 68*, 8; Riggs, *Forty Years*, 153; "Chief Big Eagle's Story," 392.

³² *Report of the Secretary of the Interior*, 1862, 8-9, 171.

³³ *Ibid.*, 357, 358, 359; *Official Records*, Series I, vol. XIII, 590, 592, 645.

³⁴ *House Executive Document No. 80*, 37 Cong., 3 Sess. (Serial 1164, Washington, 1863), 2.

³⁵ *Report of the Secretary of the Interior*, 1862, 201; *Official Records*, Series I, vol. XLI, pt. III, 127; George W. Sweet, "Incidents of the Threatened Outbreak of Hole-in-the-Day and Other Ojibways at the Time of the Sioux Massacre of 1862," *Collections of the Minnesota Historical Society*, vol. 6, St. Paul, 1894, 401; hereafter cited as Sweet, "Incidents"; Brown, "In Captivity," 11. Ojibway and Chippewa were used synonymously.

this is strong. Both Big Eagle and Galbraith admit that the tribes were enemies; and, for this reason, the general belief seems to be with coincidence rather than collusion.³⁶

Coincidence or collusion, general or local, the Indian situation in the whole West was incendiary. On the part of the Minnesota Sioux, the "spark of fire, upon a mass of discontent" was "one of those accidental outrages at any time to be anticipated on the remote frontier."³⁷ On August 17, 1862, a small hunting party murdered several settlers at Acton, Minnesota, after a quarrel among themselves over some hen's eggs. Accounts vary as to whether or not they were drunk, but it is almost certain that the slaying of the whites was not premeditated.³⁸ Since the Indians expected trouble over the homicides anyway, they apparently decided to wage a preventive war.³⁹ This so-called "accidental outrage" began one of the worst massacres in the history of the United States.

In this same section of the frontier the United States Army maintained four garrisons: Fort Abercrombie, Dakota Territory, on the Red River of the North, roughly fifty miles above Lake Traverse; Fort Ridgely, Minnesota, about twelve miles northwest of New Ulm on the north bank of the Minnesota River; Fort Ripley, Minnesota, on the Mississippi River about forty miles above St. Cloud; and Fort Randall, Dakota Territory, on the southwest side of the Missouri River about forty-five miles west of Yankton. The military Department of the West, which then embraced this area, reported to the Adjutant General's Office, January 1, 1861, that fourteen companies of the regular army with a total of 879 men were on duty at those posts.⁴⁰

With the secession of the Southern states beginning in December, 1860, and continuing on through the winter and spring of 1861, along with the raising of an army in those states, it seems hardly inconceivable today that professional troops of the regular army were not replaced by local militia sooner than they were. Lincoln's government acted within a month of the inauguration to

³⁶ *House Executive Document No. 68, 24*; Sweet, "Incidents," 401; "Chief Big Eagle's Story," 387.

³⁷ *Report of the Secretary of the Interior, 1862, 204-305*, report of Lieutenant Governor Donnelly of Minnesota.

³⁸ *Minnesota, Executive Documents, 1862, 4*; *House Executive Document No. 68, 31*; Heard, *Sioux War*, 54-56; Riggs, *Forty Years*, 152-153; *Senate Report No. 1362, 54 Cong., 2 Sess.* (Serial 3475, no publication note), 10-11.

³⁹ *House Executive Document No. 68, 31*; Heard, *Sioux War*, 58-61; Riggs, *Forty Years*, 153; "Chief Big Eagle's Story," 389-390.

⁴⁰ *Official Records, Series III, vol. I, 23.*

concentrate these forces, however, and the regulars began to withdraw eastward on April 13. With the exception of one group, they had departed by the following August. The last unit went east in January, 1862.

The void created by the removal of regulars from the frontier posts was filled by the local volunteer troops. Those of the Minnesota volunteers who were assigned to the frontier, even though these assignments were at first brief, were disappointed to draw such unglamorous duty. Only nine companies were now deemed necessary. Forts Ripley and Ridgely were garrisoned by Companies A, B, and G of the First Minnesota Volunteer Infantry on May 28 and 29, 1861, and their compatriots in Company E joined them on June 6. Companies C and D of the same organization reached Fort Abercrombie June 10, 1861, but they were ordered south along with the rest of the regiment eleven days later. For a few days Abercrombie and Ripley apparently were unmanned until the arrival of companies from the Second Minnesota Volunteer Infantry in July. Fort Randall was garrisoned by Companies A, B, and C of the Fourteenth Iowa Volunteer Infantry, which was mustered into service in September and October of 1861. Fort Randall was occupied only by Co. H, Fourth Artillery, from August 1861 until the Iowa troops arrived later in October that year.

Six companies of the Second Minnesota were stationed at Abercrombie, Ridgely, and Ripley until October 14. Garrison duty on these posts over the winter fell to detachments of the Fourth Minnesota Volunteer Infantry, who were relieved in the spring of 1862 by detachments of the Fifth Minnesota. That spring only seven companies were used to hold the frontier; of the Fifth Minnesota, Co. B garrisoned Ridgely, C Ripley, and D Abercrombie; the same three companies of the Fourteenth Iowa remained at Randall; and Co. A, Dakota Cavalry was mustered into United States service on April 29, 1862, and was stationed in detachments at various posts along the Missouri River in Dakota Territory. Also at Ridgely in United States service was an ordinance sergeant to look after the six pieces of artillery left there by elements of the Second, Third, and Fourth Artillery Regiments that departed in the preceding spring, and also an Indian interpreter, a sutler, and a post surgeon.⁴¹

⁴¹ *Minnesota in the Civil and Indian Wars*, 5, 79, 198, 243, 244; *Minnesota, Executive Documents, 1862*, 206; *Official Records, Series I*, vol. XIII, 376; *Report of the Adjutant General and Acting Quartermaster General of Iowa 1862*, Des Moines, 1863, vol. I, xiii, vol. II, 323-324; *Senate Miscellaneous Document No. 241*, 58 Cong., 2 Sess. (Serial 4591, Washington 1904), 10.

On June 18, 1862, Captain Francis Hall, Commanding Officer at Fort Ripley, sent Lieutenant Timothy J. Sheehan and fifty men of Co. C to Fort Ridgely.⁴² On June 30, Sheehan

with detachment of fifty men of Company C and one Lieutenant [Thomas P. Gere] and fifty men of Company B... [proceeded] forthwith... to the Sioux Agency on the Yellow Medicine River, and... [reported] to Major Thomas Galbraith, Sioux Agent at that place, for the purpose of preserving order and protecting United States property during the time of the annuity payment for the present year.

In addition, Sheehan's command of fifty men included a twelve-pounder mountain howitzer and rations for fifteen days. They arrived at the Upper Sioux Agency on the Yellow Medicine on July 2.⁴³ Since the annuity payment failed to arrive after the expiration of about two weeks, Sheehan sent a detail to Fort Ridgely for another fifteen days' rations. Since there were about 779 lodges of Indians encamped about the Agency, including Yanktonai and Cut-Heads, not entitled to annuities, Sheehan also sent back to Fort Ridgely for a second mountain howitzer, which arrived on July 21.

Following the altercation at the warehouse, and after the Indians were sent back to their homes to await the payment, Sheehan was ordered to return to Fort Ripley with his detachment, since Captain Marsh did not anticipate any further danger. On August 17 Sheehan and his men left for Fort Ripley. On the same day, Lieutenant Norman K. Culver and six men of Co. B were detached to St. Peter to provide transportation to Fort Snelling for the company of fifty recruits Galbraith enlisted at the agencies. Remaining at Ridgely were Captain Marsh, Lieutenant Gere, and seventy-six men.⁴⁴

On August 17, the day of the murders at Acton, the troops on frontier duty were disposed in the following manner: Co. B, Fifth Minnesota, at Fort Ridgely (minus one officer and six men en route to St. Peter); Co. C, Fifth Minnesota, garrisoned at Fort Ripley with about thirty soldiers, as the other fifty men with Sheehan were en route back from Fort Ridgely. At Fort Abercrombie was Co. D of the same regiment, with nearly eighty men; at Fort Randall were Companies A, B, and C of the Fourteenth Iowa with 295 on the

⁴² *Minnesota in the Civil and Indian Wars*, 245 (Special Order No. 30, Fort Ripley, June 18, 1862); *Minnesota, Executive Documents, 1862*, 267 (Special Orders No. 6, Adjutant General's Office, June 14, 1862).

⁴³ *Minnesota in the Civil and Indian Wars*, 245 (Special Order No. 57, Fort Ridgely, June 29, 1862).

⁴⁴ *Ibid.*, 245-248.

roll. Nearby in Dakota Territory was Co. A, Dakota Cavalry, that mustered ninety-two men. At Fort Snelling, the recruiting and muster of the Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Minnesota Volunteer Infantry regiments was in progress, with about seven companies of the Sixth at full strength, or approximately 550 recruits, and other regiments at various stages of completion.⁴⁵ But Fort Snelling was nearly ninety miles from the scene of the outbreak. Fort Randall was even more distant, nearly 200 miles from Ridgely.

In 1860-1861 the War Department had required nearly 900 regular troops to secure the area. However, in the summer of 1862, there were on duty at the same frontier posts almost 300 fewer troops in half the number of organizations previously thought necessary, and these were relatively green recruits. Fort Randall, the most remote, was garrisoned by more than half the number of men on duty in this region. In the central Minnesota area, less than half the number of soldiers occupied the frontier posts as had been the previous policy. Here, from a military point of view, was a very weak link in the chain of frontier defense. The raw, unarmed troops, mustering at Fort Snelling, constituted a remote and shaky reserve corps, with any utilization in the frontier district of questionable value or, in view of the military situation in the South, of equally questionable assignment there.

News of the disturbance reached the Governor of Minnesota on August 19, and almost immediately the whole northwestern frontier was aflame. The Secretary of the Interior, in his annual report dated November 20, 1862, almost matter-of-factly mentioned that

In the month of August last the Sioux Indians in Minnesota most unexpectedly commenced hostilities... with a degree of cruelty and barbarity scarcely paralleled by any acts of Indian warfare since the first settlement of this country... A large extent of country, in an advanced stage of improvement, was rendered utterly desolate. It is estimated that the number of lives destroyed by the savages is not less than 800. This outbreak was so sudden and unexpected that the settlers were taken by surprise, and were found without the means of resistance or defence... The Sioux Indians are connected with kindred tribes, extending... to the Rocky mountains. The various tribes, united, can bring into the field ten thousand warriors. They are supplied with arms and ammunition to a considerable extent. They have it in their power to inflict great injury... throughout the whole region.⁴⁶

⁴⁵ *Ibid.*, 255, 258, 301-302; Minnesota, *Executive Documents*, 1862, 228, 236, 256-257.

⁴⁶ *Report of the Secretary of the Interior*, 1862, 7-8.

The Commissioner of Indian Affairs in his report of November 26 to the Secretary of the Interior, reported

It is estimated that from eight hundred to one thousand . . . unarmed settlers fell victim to the savage fury ere the bloody work of death was stayed. The thriving town of New Ulm, containing from 1,500 to 2,000 inhabitants was almost destroyed. . . . Meantime the utmost consternation and alarm prevailed throughout the entire community. Thousands of happy homes were abandoned, the whole frontier was given up to be plundered and burned . . . and every avenue . . . was crowded with the now homeless and impoverished fugitives.⁴⁷

Superintendent Thompson placed the massacre figure at 600 to 800 lives, "the destruction of an immense amount of property," and "barbarities . . . horrible beyond description."⁴⁸ Lieutenant-Governor Ignatius Donnelly of Minnesota found the territory between Fort Ridgely and St. Peter "completely abandoned by the inhabitants; the houses, in many cases, left with the doors open, the furniture undisturbed," but went on to say, "I do not think that, when all the facts are ascertained, the number actually killed will much exceed *two hundred*."⁴⁹

In Dakota Territory, the frontiersmen abandoned the inland settlements, such as Sioux Falls, to retreat to the safety of the fortified installations along the Missouri River, Fort Randall and the Yankton Agency. The Indians burned Sioux Falls after it was abandoned.⁵⁰ Governor William Jayne of Dakota Territory, formerly a physician in Springfield, Illinois (later mayor of that city), and a close friend of Lincoln, wrote General James G. Blunt, commander of the military Department of Kansas, that as a result of the situation in Minnesota

and that attack upon our settlement at Sioux Falls and . . . each day's news of additional butcheries of families . . . a general alarm pervades all our settlements. Family after family are leaving our territory and whole settlements are about to be broken up. We must have immediate aid . . . or else our territory will be depopulated. I have ordered . . . all the militia [to active duty] . . . but we are to a great extent without arms and ammunition—a few thousand people at the mercy of 50,000 Indians should they . . . fall upon us.⁵¹

Schuyler R. Ingham, acting as agent for Governor Samuel J. Kirkwood of Iowa, in a report to the governor concerning his visit

⁴⁷ *Ibid.*, 171.

⁴⁸ *Ibid.*, 199.

⁴⁹ *Ibid.*, 202–210.

⁵⁰ *Ibid.*, 320; *Official Records*, Series I, vol. XIII, 613.

⁵¹ *Official Records*, Series I, vol. XIII, 613.

to the northern border of Iowa, said that he "found many of the inhabitants in a high state of excitement, and laboring under constant fear of an attack by Indians. . . . [Many] families were leaving their homes and moving to more thickly settled portions of the state."⁵² Kirkwood appraised Secretary of War Edwin M. Stanton that he had information that the Yanktonai were joining the Minnesota Sioux "and threaten our whole northwestern frontier. The settlers are flying by hundreds. We lack arms. . . . Something must be done at once."⁵³

Algernon Sidney Paddock, Secretary of Nebraska Territory and at that time acting Governor (later, in 1868, Governor of Wyoming), notified Stanton that there were "Powerful bands of Indians returning from Minnesota into northern settlements. Nebraska settlers by hundreds fleeing. Instant action demanded. . . . Territory without credit or cent of money."⁵⁴

Charles Robinson, Governor of Kansas, informed Stanton that Indians threatened the border, and he requested arms for the state militia. Robinson further mobilized what organized militia remained after national calls, and also all able-bodied men.⁵⁵ The whole northwestern frontier feared a general Sioux war.

While telegraph wires hummed the alarm and panic-stricken settlers fled, the Sioux ravaged the Minnesota valley. Presumed to have 1,500 warriors, but never employing more than half that number at any one time, they were earnestly attempting to exterminate the white settlers from the Dakota border to the Mississippi River.⁵⁶ The Indians were divided into two parties; one, the lower party, attacked major points, such as Fort Ridgely and New Ulm, with other raids and engagements as those at Redwood Ferry and Birch Coulie. The upper party raided in the northern counties and attacked Fort Abercrombie. There were also many sorties by individual Indians all along the frontier.

⁵² *Adjutant General's Report, Iowa, 1862*, vol. II, 861; *Official Records*, Series I, vol. XIII, 638.

⁵³ *Official Records*, Series I, vol. XIII, 620.

⁵⁴ *Ibid.*, 621.

⁵⁵ *Ibid.*, 628.

⁵⁶ Estimates of the number of warriors vary with each account. See *Report of the Secretary of the Interior, 1863*, 394: Galbraith estimates a total of 1,700 (or 850 in each group); *Report of the Secretary of the Interior, 1862*, 210: Lt. Gov. Donnelly estimates 800-1,000 in the lower group; Minnesota, *Executive Documents, 1862*, 10: Ramsey estimates 1,200 warriors total, 350-500 in lower group; *Minnesota in the Civil and Indian Wars*, 254: Lt. Gere estimates 1,200-1,500 in the lower group; Heard, *Sioux War*, 83, puts 450 in the lower group.

The Sioux had no planned campaign in mind, only the general desire to reduce Fort Ridgely and New Ulm and to move swiftly toward the Mississippi, and in the process to bring the whole of the Winnebago into the war.⁵⁷ Stubborn resistance at Fort Ridgely, New Ulm (even though it had been temporarily abandoned), and Birch Coulee ended any such hope. The organization of the Indians, although under the over-all command of Little Crow, was in no way perfected; each band was semi-independent, and many braves preferred to plunder on their own. This imperfect deployment, coupled with brave defense by volunteer troops in the beleaguered area, insured their ultimate defeat. The hope that a war on the whites would close the breach among them was chimerical, since some of the farmer Indians helped warn the settlements and protected individuals from the scalping knives of their brethren. Also, many chiefs took part half-heartedly, realizing the ultimate futility of the campaign.⁵⁸

The extent of the panic occasioned by the descent of the Sioux warriors down the Minnesota valley can be seen reflected in the dispatches of the authorities in Minnesota, Iowa, Dakota, Kansas, and Nebraska quoted above. Preparations went along at a furious pace to arm in order to ward off any attack, but the frontier settlers fled for safer ground anyway. The evacuation of the Minnesota valley and the abandonment of Sioux Falls has already been alluded to; Bon Homme, Dakota Territory, also was deserted and Yankton, Vermillion, Elk Point, and Richland were partially depopulated. A large group of settlers fled from eastern and southern Dakota to Sioux City, Iowa, in such haste that they left their stock and crops in the fields. Also many Iowans from Woodbury, Ida, and Sac counties fled to Sioux City.⁵⁹ In Nebraska Territory there was a report of the Brulé and Yanktonai grouping to assail the Pawnee Indians as well as white settlers of that region. Families moved out of danger areas to the village of Columbus, Nebraska, in anticipation of such an attack.⁶⁰ The conspiracy rumor, the terrible toll, and stories of the Minnesota valley massacre added to the panic.

Relatively fresh in the minds of Iowans was the Spirit Lake massacre by Inkpaduta and his band of outlaw Sioux in 1857, who

⁵⁷ *Minnesota in the Civil and Indian Wars*, 253.

⁵⁸ "Chief Big Eagle's Story," 387.

⁵⁹ *Official Records*, Series I, vol. XIII, 638; State Department of History, *South Dakota Historical Collections*, vol. 8, Pierre, S. D., 1917, 104, note 3.

⁶⁰ *Official Records*, Series I, vol. XIII, 644-645. The Brulé, as the Yanktonai, were a Sioux tribe.

had killed about forty persons. The possibility of a reoccurrence of this on a larger scale was indicated by the carnage in Minnesota, and particularly by the fifteen settlers (more or less) slaughtered near Jackson, Minnesota, about twenty miles north of the Iowa border, and the same number massacred at Lake Shetek only forty miles north of the line. In Iowa itself, within three miles of Sioux City, two frontier defenders were ambushed before the Northern Border Brigade was organized, and bands of Sioux were reported in the Little Sioux valley. Horses and cattle were also reported stolen.⁶¹

Iowa reacted by commissioning Lieutenant Colonel James A. Sawyer to command the Northern Border Brigade, five volunteer companies raised to defend the northwestern border.⁶² These units were mustered at Fort Dodge, Webster City, Denison, Sioux City, and Chain Lakes, and held a continuous line of blockhouses from Chain Lakes to Sioux City. While some of them had signed for nine months' duty, most of them served until December 1863. Divided between Spirit Lake and Sioux City was Captain Andrew J. Millard's company of Sioux City Cavalry in the United States service.⁶³ Also in Sioux City for a while were "a squad of artillery from Council Bluffs and three companies of infantry from Council Bluffs and Harrison County," which troops, as was the case in Minnesota, had volunteered for federal service but had not yet been sworn in. All told, there were apparently about 350 troops in Sioux City that September.⁶⁴

In Dakota Territory, the governor ordered "every male citizen in the Territory between the ages of eighteen and fifty" to "enroll himself in a company to be formed for home defense in his respective county, with such arms as he may have in his possession." In response to this proclamation five companies, totaling 266 men, were raised. The ninety-two troopers of Captain Nelson Minor's Company A, Dakota Cavalry, which had been taken into federal

⁶¹ Riggs, *Forty Years*, 139; Heard, *Sioux War*, 99; Benjamin F. Gue, *History of Iowa*, New York, c. 1903, Vol. II, 68-69.

⁶² *Adjutant General's Report, Iowa, 1862*, vol. II, 869-870. The companies, their positions, and their captains were: Co. A, Estherville, William H. Ingham; Co. B, Iowa Lake, William Williams; Co. C, Peterson, Harvey W. Crapper; Co. D, Cherokee, James M. Butler; Co. E, Correctionville, Jerome W. White. Companies C, D, and E also had detachments at Oche-yedan, Ida, Sac City, West Fork, Little Sioux, and Melbourne.

⁶³ *Ibid.*, 862-866; Captain William H. Ingham, "The Northern Border Brigade of 1862-1863," *Annals of Iowa*, 3rd Series, Vol. 5, October, 1902, 481-523.

⁶⁴ Dan Elbert Clark, "Frontier Defense in Iowa 1850-1865," *Iowa Journal of History and Politics*, Vol. XVI, July, 1918, 376.

service on April 29, 1862, were already in frontier service. They were stationed in Dakota Territory at Yankton, Vermillion, and Sioux Falls; and, according to some accounts, the company, or part of it, was driven from Sioux Falls before the city was burned.⁶⁵ Other depredations in Dakota, combined with the Minnesota Massacre, lent much justification to the arming there. Two farmers were murdered within a mile of Sioux Falls, a mailcarrier was shot down between Yankton and Sioux Falls, a stage driver on the Fort Randall road was shot, and two unarmed citizens were killed in a wagon at a ferry within three miles of Yankton. In addition, in Yankton County, "farmers were driven from their fields and shot at in their doorways, until forced to retreat to the town [Yankton] for safety."⁶⁶

In contrast to Minnesota, or Iowa and Wisconsin, Nebraska Territory's pressing problem was a nearly defenseless frontier. A string of settlements on the Dakota side and Fort Randall protected her northeastern frontier along the Missouri; but west of the Missouri there was little cover. A thin line of troops guarded the central mail route and the Oregon trail from Fort Kearney west. Brigadier General James Craig, whose duty it was to protect the routes, wrote Stanton on August 23 from Fort Laramie:

Indians from Minnesota to Pike's Peak, and from Salt Lake to near Fort Kearney, committing many depredations. I have only about 500 troops scattered on the telegraph and overland mail lines. Horses worn by patrolling both roads. . . .⁶⁷

Too many Indians and too few troops had been Craig's problem since the preceding April when he had been put in charge of the mail route from its eastern terminus to the continental divide.⁶⁸ But the Indian problem was important in another way also. Benjamin F. Lushbaugh, agent for the Pawnee, reported on September 13 that

Before leaving Nebraska much apprehension prevailed among the settlers

⁶⁵ *Senate Executive Document No. 241*, 58 Cong., 2 Sess. (Serial 4591, Washington 1904), 9-10, 12, 24, 81; Doane Robinson, "A History of the Dakotas or Sioux Indians," *South Dakota Historical Collections*, vol. 2, Aberdeen, S. D., 1904, 301. The Dakota troops, their captains and numbers were: A, under the command of Capt. F. M. Ziebach, 79 men; B, under the command of Capt. Daniel Gifford, 32 men; C, under Capt. A. W. Puett, 83 men; E, under Capt. Mahlon Gore, 50 men; F, a company of mounted rangers under Capt. A. G. Fuller, 22 men. Capt. A. J. Bell headed a phantom Company D, which existed only on paper.

⁶⁶ *Senate Executive Document No. 241*, 81, 82.

⁶⁷ *Official Records*, Series I, vol. XIII, 592.

⁶⁸ *Ibid.*, 362, 451, 459, 466, 468.

there that the existing Indian troubles in Minnesota might extend to the former Territory. . . . I have received information from my agency that an attack of a serious character had been made upon it by the Brulé and Yankton Sioux.⁶⁹

The Secretary of the Interior then reported to Stanton:

. . . it will be seen that the Sioux Indians, now in open hostility to the United States have commenced hostilities upon the Pawnees of Nebraska as well as upon the white settlers in that Territory. . . . There is danger that great sacrifice of life, as well as of property, will be incurred . . . in Nebraska.⁷⁰

Because the "frontier people" were "much alarmed," the governor asked for, and was denied, authority to raise a regiment for the defense of the Nebraska border. As of the preceding April, Nebraska had no active home guards and no volunteer troops in United States service except two regiments in the east. Until Nebraska Territory was transferred to another department in November, apparently there was no change in this status.⁷¹

Edward Salomon, Governor of Wisconsin, wrote Stanton on September 2:

There is very great apprehension in the northwestern and central portions of the state on account of the Indians. . . . Families are leaving their homes for fear of the wandering bands. . . . The people must be protected . . . more arms must be forwarded immediately. . . . Our Lake Superior settlements, surrounded by large numbers of Indians, are entirely defenseless.

Salomon received no arms, but after a sharp verbal duel with Stanton, did get some ammunition.⁷² As Wisconsin had no adequate law sanctioning militia or military organization, Salomon had to entrust the arms he sent to the frontier "to some reliable men in different localities." Apparently this was enough.⁷³

The Sioux caught the frontier at a time when they knew it was weak, suddenly creating for the local agencies the problem of finding troops and arms to secure themselves. The people of Minnesota felt this problem most urgently, since the attack began before the

⁶⁹ *Ibid.*, 645; *Report of the Secretary of the Interior, 1862*, 267.

⁷⁰ *Official Records*, Series I, vol. XIII, 644.

⁷¹ *Ibid.*, Series III, vol. II, 26, 457, 510, 521.

⁷² *Ibid.*, Series I, vol. XIII, 508, 511, 515, 518, 522-523.

⁷³ Reuben Gold Thwaites, ed., *Civil War Messages and Proclamations of Wisconsin War Governors*, Wisconsin History Commission, 1912, 138-139.

state could prepare. Ramsey acted quickly upon notice of the uprising. The news reached him August 19, and after stopping at Fort Snelling to see what troops were available, he hastened to Mendota to put his old political foe, Colonel Henry Hastings Sibley, in command of an expedition against the Sioux. Along with the commission, Ramsey gave Sibley a free hand in the conduct of the campaign. Sibley knew the Sioux, having lived among them and traded with them for twenty-eight years. Sibley and four companies of the Sixth Minnesota, not yet mustered into United States service, began to move up the Minnesota and on August 22 reached St. Peter. There Sibley waited for supplies and equipment to catch up with him. On August 24 some 200 mounted men called the Cullen Guard under William J. Cullen, a former superintendent of Indian affairs, arrived, and on that day six more companies of the Sixth Minnesota appeared, along with several squads of mounted men and volunteer militia. Colonel Samuel McPhail commanded the irregular cavalry, and Colonel William Crooks succeeded regular army Captain Anderson D. Nelson in charge of the Sixth Minnesota. Sibley's force now numbered nearly 1,400.⁷⁴ Sizeable as this was, it was utterly inexperienced, from the green infantrymen of the Sixth to the horses of the mounted men. However, there were men of experience among the leaders, such as Sibley the frontiersman, and Crooks, who had spent two years at West Point.

On August 23, Sibley moved to the relief of New Ulm, and on the 26th toward Fort Ridgely, where the main force arrived on August 28. A reconnaissance and burial party sent to the Lower Agency on August 31 was ambushed at dawn of September 2 in their camp at Birch Coulie. It took the whole of Sibley's force to lift the siege, and cost the reconnoitering group twenty-two dead and sixty wounded. The appearance of Sibley's army frightened off the Sioux before they could be engaged, and Sibley waited another two weeks before resuming operations up the Minnesota.

Charles E. Flandrau, an associate justice of the State Supreme Court and militia Colonel, hero of the defense of New Ulm, was given command of the Blue Earth country of Minnesota, from the Iowa border north to New Ulm. He headed a force of volunteer citizens, militia, and elements of troops from Fort Snelling, originally intended for federal service.

Above the Minnesota River Captain Richard Strout's Co. B, Ninth Minnesota, held Forest City, and Companies F and H of the

⁷⁴ *Minnesota in the Civil and Indian Wars*, 735; West, Sibley, 254.

Ninth Minnesota, under Lieutenant O. P. Stearns and Captain W. R. Baxter respectively, remained at Glencoe along with a company of citizens under Captain A. H. Rouse.⁷⁵

On August 21, J. H. Baker, Secretary of State in Minnesota, wrote C. P. Wolcott, the Assistant Secretary of War, that "a most frightful insurrection of Indians" had broken out and that the Governor had ordered out infantry, which Baker knew was of little use in chasing Indians. He wanted authority to raise 1,000 mounted men. The same day Ramsey telegraphed Stanton that "The Sioux ... have risen," and reported that he had ordered up the Sixth Minnesota and made Sibley a colonel. Henry W. Halleck, the General-in-Chief, wrote Ramsey that as soon as the Third Minnesota Volunteer Infantry was paroled it would be sent to him. On August 25 Ramsey wired Stanton and tried to get the draft postponed, but Stanton did not accede. Ramsey then telegraphed President Lincoln:

With the concurrence of Commissioner Dole I have telegraphed the Secretary of War for an extension of one month of drafting, etc. The Indian outbreak has come upon us suddenly. Half the population of the state are fugitives. It is absolutely impossible that we should proceed. The Secretary of War denies our request. I appeal to you, and ask for an immediate answer. No one not here can conceive the panic in the state.⁷⁶

Lincoln replied on the following day: "Yours received. Attend to the Indians. If the draft cannot proceed of course it will not proceed. Necessity knows no law. The Government cannot extend the time."⁷⁷ There were no further references to the draft. Even though the government would not extend the time, the draft did not proceed. For one thing, Ramsey needed the Minnesota troops mustering at Snelling, and for another, with some fleeing and others fighting on the frontier, volunteers or draftees would be hard to come by.

Ramsey continued to look for federal military assistance. The same day he wired to Lincoln, he also asked Halleck: "Could not Minnesota and Dakota be organized into a military department and General W. S. Harney be sent to chastise the Sioux?" On August 29, three days later, Halleck replied: "The War Department is not prepared at present to create a new military department in the

⁷⁵ *Minnesota in the Civil and Indian Wars*, 739-803; Minnesota, *Executive Documents*, 1862, 370-374.

⁷⁶ *Official Records*, Series I, vol. XIII, 590, 595, 596, 597.

⁷⁷ *Ibid.*, 599.

west."⁷⁸ Halleck doubtless was much more interested in the operations of the Army of Virginia at that date.

Despite the desperate struggle before Washington, the frantic appeals from the frontier along with the news of the atrocities and the extent of the Sioux uprising apparently caused Stanton to see differently from Halleck the necessity of federal military intervention in the Northwest. And then, after the first few days of September, Stanton had a general without a command who could most conveniently be used in the Northwest.

The United States officially recognized the seriousness of the problem by creating the military Department of the Northwest on September 6, 1862. Major General John Pope was ordered to take command of this area, which embraced at first the states of Wisconsin, Iowa, Minnesota, and the Territories of Nebraska and Dakota.⁷⁹ By the time Pope was able to set up his headquarters at St. Paul, Minnesota, on September 16, Sibley had the situation in hand. By September 23, Sibley defeated the Sioux at the battle of Wood Lake, Minnesota,⁸⁰ and except for annoying raids along the frontier from Dakota to Minnesota by small groups, the major campaigning was over for the 1862 season.

Fortunately, the volunteer response and the availability of numbers of men in some stage of organization was enough to blunt the edge of the Sioux drive and wrest the initiative from them. The Department of the Northwest conducted campaigns into Dakota Territory in 1863, 1864, and 1865, with varying degrees of success. The Sioux continued to be a formidable opponent throughout the Civil War years and beyond.

The massacre of 1862 has received its share of superlatives, including the rather ambitious statement that it was "the most serious Indian massacre the frontier had yet seen."⁸¹ It does indeed rank with blood-lettings such as Opechancanough's of 1644 in the James River (Virginia) area, and the infamous Fort Mims affair that began the Creek War just forty-nine years before. Actual casualties are difficult to determine, with contemporary estimates such as 382 killed and missing, 737 dead, 800 dead, and later studies vaguely

⁷⁸ *Ibid.*, 597, 605.

⁷⁹ *Ibid.*, Series I, vol. III, 617.

⁸⁰ *Ibid.*, 278-279; *Minnesota in the Civil and Indian Wars*, 159-160, 311-312, 351-352, 743-744.

⁸¹ Frederick Logan Paxson, *The Last American Frontier*, New York, 1922, 235.

noting between 477 and 800. Sibley's biographer claims that 1,000 people perished, 2,000 more were maimed sufferers, an additional 8,000 became paupers, and 30,000 became fugitives.⁸² Regardless of the veracity of these statements, the fact remains that the alarm and the reaction to it was not a local affair. The entire northwestern frontier was vitally concerned, and the disturbance was serious enough to trouble the federal government for years to come. Yet compared to the awesome slaughter in the war to the south, the dead in the first campaign of the Sioux War seemed few enough. In the light of greater pain throughout the country, it is easy to see how the country at large, other than the frontier, paid little heed to the troubled Northwest.

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⁸² *Report of the Secretary of the Interior*, 1862, 210; *Report of the Secretary of the Interior*, 1863, 408; Heard, *Sioux War*, 243; Whipple, *Lights and Shadows*, 105; Minnesota, *Executive Documents*, 1862, 9-10; West, Sibley, 249; William Watts Folwell, *A History of Minnesota*, St. Paul, 1911, vol. II, 391-393.

Political Weaknesses in Wisconsin Progressivism, 1905-1908

Students of the history of American reform must look to the local and state level. For the Progressive era, study of Wisconsin politics should be of more than ordinary interest. The reform impulse in turn-of-the-century America was probably nowhere so well expressed as in Wisconsin.¹ From 1900 through 1914 Wisconsin reformers introduced effective regulation of railroads, insurance companies and other public service corporations, modernized the tax structure, assisted farmers and laborers, launched a conservation movement in the state, and enacted civil service and the direct primary. Their leader, Robert M. La Follette, served as governor and senator from 1901 until his death in 1925. Later, his sons, Philip and Robert, served as governor and senator, the latter defeated only in 1946, by Joseph R. McCarthy.

Even in Wisconsin, however, progressivism had its tribulations. The Wisconsin Progressives experienced their most resounding and momentous defeat in the election of 1914. That defeat and the factors contributing to it have been discussed elsewhere.² But this was not the first setback they had suffered. With the primary election of 1906, in fact, they began to sustain a series of discouragements that did not end until the spectacular Progressive resurgence of 1910. Study of Wisconsin politics in the period from 1905 through 1909 reveals at least three major political limitations which must be considered if an oversimplified picture of the Progressive rationale is to be avoided.

Beginning in 1901, when Robert M. La Follette became governor, after a decade of struggle, the Progressives scored a series of legislative and political victories. By the end of 1905, a direct primary, *ad valorem* railroad taxation, railroad regulation, civil service and other reforms had been enacted. Passage of these measures had required both bare knuckled political fighting and astute compromising. On one question, however, neither method could be wholly successful. A vacancy in the Senate of the United

¹ See, especially, Robert S. Maxwell, *La Follette and the Rise of the Progressives in Wisconsin*, Madison, 1956, 40-173.

² Herbert F. Margulies, "The Decline of Wisconsin Progressivism, 1911-1914," *MID-AMERICA*, XXXIX (July, 1957), 131-155.

States had to be filled in 1905. Among the influential supporters of La Follette, more than one aspired to the honor. The politically ambitious could be defeated, but at a price; they could be placated, but only in part, and again at a price.

The two leading contenders for the coveted Senate seat were William D. Connor and Isaac Stephenson. Connor was a capable and vigorous lumberman. Though a late-comer to politics and the Progressive ranks, by dint of energy, skill, and business position, he became Chairman of the Republican State Central Committee in 1904. He did not conceal his senatorial ambitions. Though a very much older man, seventy-six in 1905, Isaac Stephenson had several things in common with Connor. He too was a lumberman, though much wealthier. He too came late to the Progressive cause. Like Connor, his assistance, chiefly in the form of cash, was vital. Like Connor also, he was unashamedly covetous of the Senate seat. In fact, he broke with the Old Guard leaders of the party and threw his support to La Follette on this very question, after the party leaders failed to reward him for long service in 1899.³

La Follette later claimed that his decision to accept the Senate post himself was made in order to compromise the differences between Connor and Stephenson.⁴ If so, the effort failed. Neither was placated. Connor immediately broke with La Follette and, in so doing, weakened the Progressive coalition greatly. Stephenson moved away more warily, but his resentment was nevertheless evidenced in important ways in 1905 and 1906.

Connor's declaration of war came in December, 1905. La Follette had called the legislature into special session to act on a bill to permit a second choice vote in primary elections, such votes to be counted when the recipient of the first choice vote was eliminated. The purpose of the bill was to overcome the danger of a Stalwart being nominated because of division in Progressive votes. Connor, however, wielded his full influence against the bill and was generally credited with causing its defeat.⁵ Mean-

³ Belle Case La Follette and Fola La Follette, *Robert M. La Follette*, New York, 1953, I, 130-131.

⁴ *Ibid.*, 187-189.

⁵ Elisha Keyes to John C. Spooner, December 16, 1905; Elisha Keyes Letterbooks; Robert M. La Follette to Isaac Stephenson, June 23, 1906, Robert M. La Follette Papers; Herman Ekern to Nicolai Grevstad, December 17, 1905, Herman L. Ekern Papers. All manuscripts cited in this article are on deposit at the Wisconsin Historical Society Library, Madison, Wisconsin.

while, he planned to abandon La Follette and pursue his political fortune independently in the 1906 primaries.

At first Connor set his sights on the governorship. It soon became apparent to him, however, that another rebel against the La Follette forces had the stronger chance. Perhaps disappointed, but seeing some long-range advantages in any successful anti-La Follette candidacy, Connor joined forces with James O. Davidson. With Davidson running for the Republican nomination for governor, Connor sought the nomination for lieutenant governor. In all parts of the state, Connor organized Davidson-Connor clubs. On the surface, both men appealed for Progressive votes, calling themselves true Progressives. Undercover, however, Connor bargained effectively with the die-hard anti-La Follette Stalwarts and, as it turned out, secured their support.⁶ The enmity of W. D. Connor, then, was no small thing.

Connor's ally, James O. Davidson, had come to Wisconsin in 1872, a poor Norwegian immigrant of eighteen. He worked as a farm laborer, tailor, clerk, and finally proprietor of his own general store in Soldiers Grove, a small town in southwestern Wisconsin. Davidson had little formal education, but he won many friends, especially among his fellow Norwegians, and was respected for his shrewdness and honesty. In 1892 Davidson was elected to the state legislature. As an assemblyman, he joined in the fight against the railroad pass and sponsored legislation to regulate sleeping car, telephone, and telegraph corporations. Davidson emerged as a representative of the increasingly potent Norwegian element within the Progressive wing of the Republican party. In 1898 he was nominated and elected state treasurer, which office he held through 1902. In that year, he was shifted to lieutenant governor. Davidson was reelected in 1904 and, after La Follette went to Washington, filled the unexpired portion of his term as governor.⁷

As the incumbent, and a tried and true Progressive, Davidson was the logical choice of the La Follette men for the governorship in 1906. He felt that the nomination was his due, and many

⁶ Elisha Keyes to John C. Spooner, December 16, 1905; Keyes to H. C. Adams, December 16, 1905; Keyes to Henry Casson, February 17, 1906; Keyes to H. A. Taylor, May 29, 1906, Elisha Keyes Letterbooks; David Atwood to James O. Davidson, January 24, 1906; W. A. Jones to Davidson, March 9, 1906; D. C. Owen to Davidson, May 5, 1906, James O. Davidson Papers; Robert M. La Follette to Perry Wilder, June 25, 1906; W. H. Dick to La Follette, June 18, 1906; Edward E. Browne to La Follette, July 16, 1906, Robert M. La Follette Papers.

⁷ *Wisconsin State Journal*, February 17, 1920.

other Progressives agreed. La Follette and his closest intimates had other ideas; they felt that the mild-mannered Davidson was too little qualified by temperament, ability or education for the office.⁸ Their support went instead to the dynamic young Speaker of the Assembly, Irvine Lenroot. Despite tremendous pressure to drive him from the field, however, Davidson persisted in his candidacy, though it meant breaking with La Follette.

The role of Isaac Stephenson in assisting the Davidson rebellion was less evident than that of W. D. Connor, but no less important. The old lumber baron was very disgruntled at the way he had been treated in 1905. First, he had been passed over for the Senate. Later, he had not been consulted in the decision to bring out Lenroot against Davidson. Was this his reward for founding and sustaining the chief La Follette organ in the state, the *Milwaukee Free Press*? Stephenson was not in a position to break openly with La Follette in 1906, for he still hoped to get the next Senate vacancy. But he did go so far as to impose a policy of neutrality on the *Free Press* despite the pro-Lenroot feelings of the editor.⁹ Moreover, he provided no financial support for the Lenroot campaign. In this policy he was doubtless encouraged by Davidson's flattering personal and political attentions, which he increasingly reciprocated.¹⁰

The money problem was always a difficult one for La Follette. According to Stephenson's calculations, denied by La Follette, half a million dollars was spent by the lumberman in the Progressive cause, through the years. Regardless of the exact sum, it is clear that money was vital to campaigning and, without Stephenson, La Follette's supply was inadequate. This became very evident during the primary campaign of 1906. La Follette could find only two weeks for Lenroot, for he had to spend the rest of the time from July through November on the Chautauqua circuit. Late in June he wrote an old friend:

I am almost desperate . . . You see my lecturing begins June 30th out in Iowa. Al and Belle write me ev[er]y day that I must spend some day or so with the party work[er]s in Milwaukee & as much more in Madison . . .

⁸ *Milwaukee Free Press*, July 21, 1906; Printed letter by A. T. Rogers, n.d., Herman L. Ekern Papers; La Follette to John J. Blaine, May 30, 1906, La Follette Papers.

⁹ H. C. Myrick to La Follette, July 11, 1906; La Follette Papers.

¹⁰ J. A. Van Cleve to James O. Davidson, February 5, 1906; J. H. Stout to Davidson, March 16, 1906; F. H. Magdeburg to Davidson, March 27, 1906, Davidson Papers; Davidson to Elmer Grimmer, May 26, 1906, James O. Davidson Letterbooks.

That I must open headquarters in Madison and prepare a circular address to the Republicans &c. They are nearly wild at thought of my leaving the state. But the only way a dollar can be raised for Lenroot's campaign is for me to go out on the lecture platform & earn it. We are in hard times for money.¹¹

But money was by no means La Follette's only problem. For James O. Davidson was more than a figurehead for disgruntled politicians. He was a political power in his own right. Otherwise Connor and the Stalwarts would certainly have gone their own way, instead of subordinating their ambitions to his candidacy. In any consideration of the limitations of Wisconsin progressivism Davidson is, from many points of view, the key figure.

The factor that made Davidson an independent political force in the state was this: He was the chief representative of the Norwegian-Americans in Wisconsin politics. Though not the most numerous nationality group in the state, since they were surpassed by the Germans, the Scandinavian element, especially the Norwegians, had been vital to La Follette since 1894.¹² In the midst of the 1906 primary fight against Davidson, Alfred T. Rogers, La Follette's law partner and political lieutenant, warned "Bob": "It has always been your mainstay to line up the solid Scandinavian elements and it's like having a broken arm to fight without them. . . ."¹³

Despite prodigious efforts by the pro-Lenroot leaders of Norwegian descent,¹⁴ Davidson retained the loyalty of his countrymen.¹⁵ It was this ability that made possible his candidacy.

Davidson's success in winning Norwegian votes did not demonstrate that the Norwegians of Wisconsin were never true Progressives. On the contrary, Stalwart candidates of Norwegian descent almost invariably failed to win nominations and elections. Davidson understood this very well, and made a great point of his Pro-

¹¹ Belle Case and Fola La Follette, *Robert M. La Follette*, I, 211.

¹² *Twelfth Census of the United States*, Washington, 1901, I:clxxxii, xviii.

¹³ A. T. Rogers to La Follette, January 11, 1906, La Follette Papers.

¹⁴ F. A. Walby to La Follette, November 14, 1905; Henry Johnson to La Follette, November 20, 1905; August Lehnhoff to La Follette, November 13, 1905, La Follette Papers; Herman Ekern to Nicolai Grevstad, December 17, 1906, Ekern Papers.

¹⁵ Henry Pitusa to James O. Davidson, June 26, 1905; P. Oscar Thompson to Davidson, August 30, 1905; Ed Emerson to Davidson, October 29, 1905; James Thompson to Davidson, December 1, 1905; C. L. Nelson to Davidson, December 21, 1905, Davidson Papers; Andrew Dahl to Herman Ekern, November 3, 1905, Ekern Papers; James A. Stone to Irvine Lenroot, May 22, 1906, James A. Stone Papers.

gressive ties throughout the 1906 campaign and after. The Norwegians, after all, had strong national traditions of veneration for liberty and self government. They were predisposed to sympathize with La Follette's campaign against "machines," "bosses," "trusts," and "interests." Largely farmers, mainly from the hilly and relatively less fertile western part of the state, their Progressive traditions were reinforced by economic circumstances.

Within the general context of progressivism, however, strong national pride motivated Norwegian-American voters. Like all recently arrived immigrant groups, they sought recognition through political office. La Follette understood this well. When he launched his reform drive by backing congressman Nils P. Haugen for governor, in 1894, he was counting on the "national pride" of Haugen's fellow Norwegians to give him "very strong support."¹⁶ Davidson, in seeking the nomination for treasurer in 1898, very frankly appraised the nationality question in a letter to another Norwegian Progressive:

While I do not believe in making nationality a point, that question does and will enter in the making up of the state ticket, and if our people are given the usual representation I shall be proud of being their choice. I became a candidate for the office of state treasurer because it seemed to me that our people ought to hold the high position they have attained.¹⁷

The events of 1906 demonstrated that while Norwegians remained firmly "Progressive," they were not so devoted either to the person or the viewpoint of La Follette as to desert a Progressive leader who was one of their own.

The defection of Davidson, Connor and Stephenson from the La Follette ranks was a serious blow to Wisconsin progressivism, as events were to show. But the underlying roots of these rebellions, the factors that made them politically possible, were even more serious, in the long run. So long as these underlying weaknesses were present, there would surely be similar rebellions till there remained nothing against which to rebel. The actions of these three men apparently had diverse roots. Yet in one respect they were similar: Their defection was the result of divided loyalty. Even when they were part of the La Follette coalition, Davidson, Connor and Stephenson were loyal to their own ambitions as well.

¹⁶ Robert M. La Follette, *La Follette's Autobiography: A Personal Narrative of Political Experiences*, Madison, 1913, 288.

¹⁷ James O. Davidson to Andrew Dahl, March 29, 1898, Davidson Letterbooks.

But personal ambition, even selfishness is not unusual. The divided loyalty of these three was rendered dangerous to La Follette only because of a second factor that these men had in common: independent strength. Doubtless few of La Follette's partisans were completely selfless, but how many were strong enough to oppose their leader and survive politically, in 1905? Even Stephenson, a millionaire with statewide political and business connections, had to move cautiously. But with his assets, he had some bargaining power. He had, in other words, not only the inclination to wander from the reservation, something not unusual, but also the ability to do so. The same is true of Connor and Davidson. They too had the independent political power needed to convert an inclination into an actuality. The significant weakness in Wisconsin progressivism that their successful rebellion illustrates is the degree to which it depended upon independent forces such as these. The remarkable political abilities of La Follette, together with certain other factors, such as the unique role of the University of Wisconsin, favorably influenced the character of Progressive legislation in the state and obscured this point. Actually, however, even at its height, progressivism depended to a high degree on extraneous sources of strength, on the money and effort of men whose motives were primarily personal ambition, on voters who were interested in nationality recognition.

The general factor discussed above is closely related to a second major element of weakness in the Progressive political situation, a weakness that also became apparent in 1905 and 1906. The Progressives were not in agreement among themselves as to the meaning of the term "progressivism." Hence the coalition was easily divided, in elections and on matters of legislation. This dangerous weakness partly explains the excessive dependence on extraneous sources of support that has been noted. For La Follette could not always count on full backing from even the sincerest and most devoted "Progressives."

Many, probably most Progressives took a far more conservative view of the needs of their time and the meaning of progressivism than did La Follette and his closest associates. La Follette himself, it might be noted, was far from being a radical when he launched his battles against the Stalwarts in 1894. Awakened to the need for reform by what he considered to have been an attempt by Senator Philetus Sawyer to bribe him, he rallied young alumni of the University of Wisconsin and others to his cause with the quite

reasonable and moderate demand for honesty in politics and government.¹⁸ As the movement developed, equitable taxation, favorable treatment for dairy farmers, and greater popular control in government emerged as powerful reform issues. Progressives loyally followed La Follette in gaining these ends. But by the end of La Follette's third administration, after the early goals had been reached, many of his followers wondered whether there was need for a continuation of the reform movement at the same fast pace, marked as it was by intensely bitter factionalism within each party.

La Follette parted company with the doubters at this point. His answer was distinctly in the affirmative. It was well stated in a letter that he wrote to a young political lieutenant early in 1906, with the Davidson question in mind:

We have accomplished much in Wisconsin toward the restoration of representative government. That is just what we have accomplished. We have not been fighting all these years for this or that particular legislation, as some are wont to believe. It is wrong to say that the contest is ended because we have been successful in this respect. The reforms which have been written into the laws of our state indicate merely that we are going back to the clean form of government established for us in the beginning. The enemies of good government must also be active. No backward step must be taken. The ground we have gained must be held.¹⁹

In his *Autobiography*, La Follette wrote that the supreme issue, involving all others,

is the encroachment of the powerful few upon the rights of the many. It is my settled belief, that this great power over government legislation can only be overthrown by resisting at every step, seizing upon every occasion which offers opportunity to uncover the methods of the system.²⁰

Not content with achieving any single reform or group of reforms, La Follette had come to focus his efforts and thought on the single fundamental idea of keeping the predatory interests out of public office. To achieve this purpose it seemed necessary that the one weapon in the hands of the people, their numbers, be fully utilized. Complacency was the menace to be feared above all. The role of the Progressive leader, then, was to keep people vigilant, mobilized. The great reform leader would raise ever new issues, that would dramatize the existence of the fundamental con-

¹⁸ The best account of the years of La Follette's emergence as a Progressive are Belle Case La Follette and Fola La Follette, *La Follette*, I, 1-135, and Robert M. La Follette, *Autobiography*.

¹⁹ Robert M. La Follette to Otto Bosshard, January 6, 1906.

²⁰ La Follette, *Autobiography*, 21.

flict between people and special interests; he would simplify issues, to make them readily comprehensible; he would publicize them, by speeches and articles; he would personalize them, for most people think in personal terms.

Issues, for La Follette, were weapons; they were means more than ends in themselves. Handling of one of the early Progressive measures, the railroad commission bill, illustrates this. The idea of a strong commission had been popularized during the nineties, and La Follette and his friends heartily backed it. Yet La Follette persuaded A. R. Hall, veteran crusader for railroad reform, not to raise the issue in 1900 or 1901. He preferred not to scatter his fire too widely, as A. O. Barton put it.²¹ In the 1903 legislative session, the La Follette men did raise the commission issue, but as a political tool. "The regulation bill did not pass at that session, nor did we expect it to pass," La Follette later wrote. However the main purpose was accomplished; Stalwart rejection of it "stirred the people of the state as they had never been stirred before."²² According to George Hudnall, a State Senator allied with the Progressives in 1905, a similar strategy was unsuccessfully attempted by Andrew Dahl, one of La Follette's "inner circle," in connection with a bill to tax street railways. Dahl's hope was to block the bill in order to blame Stalwarts for its defeat during the 1906 campaign, when a new issue would be badly needed.²³

La Follette always contended that he was concerned with principle, not personalities. Yet his recitation of the voting record of candidates in their own districts, his crusading manner of campaigning, his bitterness and irony, his interference in contests for office high and low, his undisguised factionalism, all combined to make the political strife of his time intensely personal.²⁴ His opponents responded in full measure to La Follette's techniques, setting as their highest goal his political obliteration. In so doing, they actually helped La Follette in his effort to keep the battle simple and dramatic, intensely warm and with just two sides.

²¹ Albert O. Barton, *La Follette's Winning of Wisconsin*, Des Moines, 1924, 178.

²² La Follette, *Autobiography*, 70.

²³ George B. Hudnall to John J. Esch, August 6, 1912, John J. Esch Papers.

²⁴ See particularly Carroll P. Lahman, "Robert M. La Follette as Public Speaker and Political Leader," unpublished doctoral dissertation, University of Wisconsin, 1939 and Wallace Sayre, "Robert M. La Follette: A Study in Political Methods," unpublished doctoral dissertation, New York University, 1930.

Obscured and unheard beneath the sound and fury of the Progressive and Stalwart big guns, many men of both sides grew restive over the constant turmoil and looked to the day of renewed peace in the Grand Old Party. James O. Davidson was such a man. Isaac Stephenson was another. And they represented thousands of nameless voters and leaders of lesser prominence. More than any other factor, the viewpoint of such men was a brake for the Progressive express. Stephenson expressed the widely shared view when he wrote:

In Wisconsin the old railroad-corporation crowd, the inner ring which controlled party affairs to the exclusion of all others, had been fairly routed and some good laws were placed on the statute books. There the task ended for me.²⁵

James O. Davidson was the rallying symbol for Progressive dissidents during these years. Though a leading Progressive, he saw no need for perpetuating the bitter factionalism of Republican politics. He regarded division among Republicans as undesirable, not as a useful and necessary adjunct to reform. Furthermore, he believed in 1905 that after the previous years of turmoil and change, the time had come for consolidation of gains and "a business administration." A naturally friendly man, Davidson prided himself on the amiable relations that he had always maintained with persons of all factions. Under the "business administration" that he planned, there seemed no reason why these relations could not be continued, he wrote a Stalwart early in 1906.²⁶ Later that year he wrote optimistically to his ally Connor: "If I may judge of the situation, a very good proportion at least of the people, are willing to have a rest from the turbulence that has been with us in the past, but none are willing to sacrifice a single principle that we have contended for."²⁷

Most Stalwarts appreciated the difference in thinking between La Follette and Davidson. They would have supported any formidable opponent of La Follette in 1906, but they were especially pleased over the Davidson candidacy, for they saw in the amiable Norwegian a man of peace. Old Elisha Keyes, once party boss and still influential, wrote confidently to Senator Spooner that Davidson was "a peaceable man, . . . not belligerent or aggressive.

²⁵ Isaac Stephenson, *Recollections of a Long Life*, Chicago, 1915, 239.

²⁶ James O. Davidson to John Gaveney, January 19, 1906, Davidson Letterbooks.

²⁷ James O. Davidson to W. D. Connor, June 22, 1906, Davidson Letterbooks.

He is the kind of man the party needs in this state. . . ."²⁸ Henry Casson, former Secretary of State of Wisconsin and in 1906 Sergeant at Arms of the House of Representatives, was equally confident of Davidson's intention to bring peace. Casson had known Davidson for thirty years.²⁹ A number of Stalwarts wrote with the same confidence directly to Davidson.³⁰

Probably a majority of the Progressives took the less subtle approach espoused by Davidson. Ex-Governor William D. Hoard, for example, sided with him. Always a "good Republican," Hoard wrote bitterly in 1911 "Never in all the fifty-three years of my experience in Wisconsin politics have I seen developed so malign and selfish a spirit as La Follette has infused his present day followers with."³¹ An equally prominent Progressive, Nils Haugen, the man La Follette enlisted as candidate for Governor in 1894 when he launched his reform campaign, and later the guiding spirit behind vital tax reforms, came to share some of Hoard's views. In his later years he regarded La Follette as surly, contentious and vituperative.³²

A great many Progressives supported Davidson on other grounds. But in so doing, they tacitly rejected La Follette's dynamic approach. Davidson's pacific views were well known, and those who backed him themselves endorsed the return to party unity. For these, political custom dictated Davidson's retention of the office La Follette's resignation had given him.³³

Some Progressives in the Davidson camp went further. State Senator McGillvray, for example, took sharp exception to La Follette's idea that a lawyer like Lenroot was needed for governorship. Foreshadowing an argument that became increasingly embarrassing to Progressives in later years, McGillvray said that the state needed a businessman to effect economies, not a theorist.³⁴ More

²⁸ Elisha Keyes to John C. Spooner, January 10, 1906, Keyes Letterbooks.

²⁹ Henry Casson to Keyes, February 5, 1906, Keyes Papers.

³⁰ E. E. Sherwood to James O. Davidson, December 4, 1905; A. H. Strange to Davidson, December 21, 1905; Walter J. Benedict to Davidson, January 3, 1906; O. W. Arnquist to Davidson, May 9, 1906; A. H. Reid to Davidson, May 17, 1906, Davidson Papers.

³¹ William D. Hoard to Lucien Hanks, February 1, 1911, Lucien Hanks Papers.

³² Nils P. Haugen, *Political and Pioneer Reminiscences*, Madison, 1930, 113-114.

³³ *Milwaukee Free Press*, July 24, 1906, August 30, 1906; *Oshkosh Northwestern*, August 25, 1906; George Cooper to James O. Davidson, May 12, 1906, Davidson Papers.

³⁴ *Milwaukee Free Press*, July 25, 1906.

graphically, a correspondent to the *Milwaukee Free Press* wrote: "It is said the Governor of Wisconsin should be a lawyer. Buckle up your coat when they tell you a lawyer will make the best governor. Your pocketbook is in danger."³⁵

The moderation, even conservatism, of so many of the "Progressives" in the 1906 campaign and later, was probably related in part to economic circumstances. The state was not beset with the kind of distress that might have brought to La Follette devoted majority support for his dynamic political approach. The reform movement in the state had never been based on extreme economic discontent.³⁶ Wisconsin agriculture was making a successful adjustment from wheat to dairying at the turn of the century. The dairyman, because his product was light and his production conditions stable, had fewer complaints about freight rates and credit than did the wheat growers. Thus, the typical Wisconsin farmer had proved impervious to the appeal of Populism. The dairyman had more limited demands, for low taxes, protection against substitutes and research help.³⁷

While doctors, lawyers, merchants, journalists, and bankers were prominent in the Progressive movement in the state, laboring men or their leaders were not. Labor, organized and unorganized, was beginning to catch up with agriculture at the turn of the century, in terms of numbers.³⁸ However, industry, and the labor force, was highly decentralized during the first decade of the new century. Lumber manufacturing, flour milling and paper milling were chiefly located outside the populous and industrial lake shore region. Much of the labor in small enterprises scattered around the state was not firmly rooted in the class called "labor," for men of this class retained strong agricultural connections, shifting, typically, from farm to city and back again.³⁹ Another segment of labor, employed in the growing machine tool industry, malting, leather and dairy products, and working in Milwaukee, mainly, or

³⁵ Thomas J. Ford to the editor, *Milwaukee Free Press*, August 27, 1906.

³⁶ Herbert F. Margulies, "Issues and Politics of Wisconsin Progressivism, 1906-1920," unpublished doctoral dissertation, University of Wisconsin, 1955, 1-62.

³⁷ Theodore Saloutos and John D. Hicks, *Agricultural Discontent in the Middle West, 1900-1939*, Madison, 1951, 12.

³⁸ See especially J. H. H. Alexander, "A Short Industrial History of Wisconsin," *Wisconsin Blue Book*, 1929, Madison, 1930, 39, and Gertrude Schmidt, "History of Labor Legislation in Wisconsin," unpublished doctoral dissertation, University of Wisconsin, 1933, 16.

³⁹ Schmidt, "Labor Legislation in Wisconsin," 13-14.

in Racine or Kenosha, was reform-conscious, but inaccessible to the Progressives. The Social Democratic party had achieved remarkable success in winning the allegiance of organized labor in Milwaukee, under the astute direction of Victor Berger. Following the political approach that was congenial to the German workers who provided a bulwark for the socialist party, a tight party discipline prevented the socialist workers from participating in the factional affairs of the Republicans or Democrats.⁴⁰ Thus, La Follette had no mass support from labor for his anti-corporation, anti-Stalwart appeal.

The Progressives that remained to La Follette were a disparate group, many of whose views of progressivism were far more conservative than his. Whether their views or his were sounder is of course an open question. Clearly, though, quite apart from the merits of the two views, the simple fact of ideological disunity was a major source of weakness to the movement.

A third serious limitation to progressivism exhibited in this period was the democratic ideology to which the La Follette forces had committed themselves. La Follette and his allies had fought stoutly against "bosses," and "machines." Government must be restored to the people, they urged. From 1897, major attention had been focussed on the primary, which La Follette finally helped to secure over strong Stalwart opposition.

The campaign against bossism had some obvious advantages, of course. Votes were won with the popular Jeffersonian theme; and in party primaries, progressive Republicans might get help from "fair minded" Democrats.⁴¹ Still, there were some grave disadvantages, too. Leadership proved essential. If the Progressives steered faithfully on their anti-boss, direct democracy course, they would be wrecked on the rocks of disunity. Concensus on candidates and programs would not occur automatically. But if the Progressives tried to achieve unity through caucuses, conventions or the dictation of La Follette they would become targets for the democratic shafts they themselves had forged. Aggravating the situation for Progressives was the fact that the law recognized neither factions nor devises for achieving factional unity. Organi-

⁴⁰ See Frederick I. Olson, "The Milwaukee Socialists, 1897-1941," unpublished doctoral dissertation, Harvard University, 1941, for a full discussion of this.

⁴¹ Interview with Craig Ralston, January 11, 1953. Mr. Ralston had been political reporter for the *Milwaukee Journal*.

⁴² *Milwaukee Sentinel*, August 2, 25, 1906.

zational efforts would have to be extra-legal and therefore doubly difficult and suspect. In practice, the Progressives vacillated between both unsatisfactory approaches. They were hurt by each.

Davidson took full advantage of this weakness in the 1906 campaign. La Follette contradicted the spirit of democracy and of the primary and was engaging in the same kind of boss-rule that he had once campaigned against, the rebel charged.⁴² A host of prominent Progressives broke with La Follette and backed Davidson on the basis of this argument. The well respected attorney Robert M. Bashford attacked La Follette for bossism and violation of the spirit of the primary, as he announced support for Davidson.⁴³ Many lesser lights echoed the view. "I feel that I have just as good a right to dictate who should be Governor, as Bob La Follette or any other man," a Davidson supporter wrote. "And I find nearly every one feels about the same way. He taught us how to do up the bosses and we did it, and he need not now expect that he can act as our boss."⁴⁴

Davidson's preemption of the democracy issue, combined with his other advantages, led to La Follette's first major defeat since his faction took power in 1900. Davidson trounced Irvine Lenroot by a vote of 109,583 to 61,178. Connor won the nomination for Lieutenant Governor at the same time.

The primary election results confirmed the importance of three major political limitations in the Wisconsin Progressive movement. First, the Progressives had depended strongly on men and groups whose loyalties were divided and who were powers in their own right, independent of La Follette. Wealth and nationality appeal chiefly underlay their independence. Second, the Progressives were deeply divided ideologically. The faction included a large number of Republicans who did not share La Follette's belief that constant factional warfare was desirable, but instead wanted peace in the party after certain reforms had been won. The economic circumstances of the state probably contributed to this ideological division. Finally, the Progressives were seriously embarrassed by their commitment to an anti-boss ideology, which made it difficult and costly for them to achieve organization and unity.

In the years that followed the election of Davidson as governor, these same factors continued to work against the La Follette men. For a time, indeed, many astute politicians foresaw an end to La

⁴³ *Ibid.*, August 29, 1906.

⁴⁴ J. D. Stuart to Davidson, November 14, 1905, Davidson Papers.

Follette's senatorial career and to the Progressive movement in the state in the election of 1910.

In 1907, the payoff to Isaac Stephenson at last came due. Senator Spooner resigned two years before the expiration of his term and a united Progressive bloc in the legislature had the power to at last reward "Uncle Ike" for his services. The wisdom of placating the old gentleman was not lost on La Follette and chief legislature lieutenants, especially Speaker of the Assembly Herman Ekern. Unfortunately for them, instead of patching up old wounds, the event served only to worsen them.

La Follette expressed a preference for Stephenson early in the legislative session, but he did not or could not prevent three other Progressives entering the contest. Seven weeks later, the legislature was still deadlocked and La Follette wired Ekern, "Stephenson must win. Fight hard."⁴⁵ Stephenson did win, but he emerged an embittered victor. The crusty old lumber baron later recalled:

The La Follette influence . . . appeared to be very ineffective at this time, for it brought about no appreciable change in the situation. To what extent it was exercised others may surmise for themselves. Senator La Follette himself said that he could do no more than he had, because the men generally recognized as his followers or supporters were his friends. A sudden delicacy of feeling, I suppose, forbade any zealous attempt to influence the action or mold convictions of these men whom the outer world had erroneously regarded as parts of a well organized political machine.⁴⁶

And the editor of Stephenson's newspaper, the organ of the Progressives until that time, confided to Elisha Keyes that he was bitter over the treatment that La Follette had accorded his employer. He saw little hope for Progressive harmony in the future.⁴⁷

Again in 1908, La Follette had to choose between dictation and disunity. Stephenson was hopelessly lost to the Progressives by this time, so the problem was to find a single Progressive candidate to oppose him in the preferential primaries. Apparently still fearing the boss-rule charge and another major schism, La Follette refused to commit himself publicly. The result was that two Progressives, William Hatton and Francis E. McGovern, divided Progressive support. Important La Follette men did meet in Madison early in the summer. They decided to give Hatton quiet backing,

⁴⁵ Robert La Follette to Herman Ekern, May 15, 1907, Ekern Papers.

⁴⁶ Stephenson, *Recollections*, 101.

⁴⁷ H. P. Myrick to Keyes, May 21, 1907, Keyes Papers.

but feared to go further.⁴⁸ Thousands awaited the word from La Follette, but it never came. Nor was his law partner, Alfred T. Rogers, forthright on the subject, even in private conversation.⁴⁹ La Follette, Lenroot, Ekern, James Stone and others of the "inner circle" distrusted McGovern, the ambitious young Milwaukee District Attorney, but they lacked the organization and the ideology to oppose him successfully. There was no legal mechanism by which they could formally choose Hatton as their candidate. Informal organization against McGovern would open the door once again to the boss-rule charge. With strong support in the Milwaukee area, McGovern was in a good position to duplicate Davidson's successful revolt, if provoked. Perhaps caution was the wiser course in 1908. But the result was that McGovern and Hatton divided over seventy-eight thousand votes while Stephenson won out with 59,839. The support of the *Milwaukee Free Press* and use of over a hundred thousand dollars, incidentally, helped Stephenson win those votes.⁵⁰

Such experiences led a number of sincere and thoughtful Progressives to acknowledge the weaknesses of the primary system and seek some modification of it. State Senator A. W. Sanborn and Herman Ekern favored a Progressive organization within the primary system in 1908.⁵¹ The plan received support from other Progressives from time to time, but was long delayed. Opposition came from such men as McGovern, who had stronger support outside the ranks of the leadership than in it. Equally important, though, was the continuing fear of the boss-rule charge.⁵² In 1909 La Follette himself gave some support to the idea of an organization, but as the 1910 election campaign developed, he squashed plans for an organization or even a factional meeting

⁴⁸ R. Ainsworth to Herman Ekern, July 23, 1906, Ekern Papers.

⁴⁹ W. J. McElroy to Herman Ekern, July 25, 1908; W. W. Powell to W. H. Dick, July 31, 1908; W. H. Dick to Ekern, August 14, 1908, Ekern Papers.

⁵⁰ Herbert F. Margulies, "The background of the La Follette-McGovern Schism," *Wisconsin Magazine of History*, Autumn, 1956, 21-29.

⁵¹ Herman Ekern to A. W. Sanborn, October 27, 1908, Ekern Papers; A. W. Sanborn to James Stone, October 8, 1909; Stone to Sanborn, October 13, 1909, Stone Papers.

⁵² A. W. Sanborn to Ekern, October 24, 1908; Minutes of the Progressive Organization Meeting in Madison, June 3, 1909, Ekern Papers; James Stone to Edward F. and Julius T. Dithmar, June 4, 1909; Stone to Sanborn, October 13, 1909; Sanborn to Stone, October 16, 1909, Stone Papers; Theodore Kronshage to Tom Morris, May 21, 1910, La Follette Papers.

that might resemble a convention.⁵³ Finally, after division had contributed to the defeat of the Progressives in the gubernatorial contest of 1914, an organization was formed. Even then, however, it was unable to mobilize complete Progressive support.⁵⁴

The embarrassments associated with the direct democracy commitment, along with the other elements of weakness exhibited earlier, combined to produce further difficulty for La Follette following the 1908 primaries. The La Follette men did not dare contest the popular Davidson's renomination in 1908. Even so, they sustained another defeat at his hands at the Republican platform convention that met in Madison shortly after the primaries. Senator La Follette had battled William Howard Taft for the Republican presidential nomination. At the national convention, Wisconsin had backed its own draft platform to the last. The La Follette forces now asked the state platform convention to endorse their proposals rather than the more conservative planks of the national party platform. In this they were opposed by the Governor. Davidson had walked a tightrope up to this time, hoping to patch up relations with La Follette as much as possible, without, however, surrendering outright to him. The sharply drawn issue of the platform convention forced him to take a stand, however, and showing vigor and ability that surprised many, he spoke and worked forthrightly for the national Republican platform and against La Follette's.⁵⁵ Davidson and his forces won again. The convention rejected the second choice primary and a tariff plank more liberal than the one in the national platform, by votes of seventy to fifty-one and seventy-nine to forty-three. Then it chose Stephenson's campaign manager Chairman of the State Central Committee and adjourned.⁵⁶ "The La Follette crowd was cleaned out, horse, foot and dragoon, with Edmonds as Chairman and the platform just as the conservatives wanted it," veteran Stalwart leader Elisha Keyes exulted.⁵⁷

⁵³ John Hannan to James Stone, October 8, 1909; Charles Crownhart to A. W. Sanborn, May 26, 1910, La Follette Papers.

⁵⁴ By 1920, such prominent Progressives as former State Senator A. W. Sanborn, Legislative Reference Librarian Charles R. McCarthy and Professor John R. Commons felt that the primary system had done much harm. See Sanborn to McCarthy, August 5, 1920 and McCarthy to Sanborn, August 10, 1920, Charles R. McCarthy Papers.

⁵⁵ Elisha Keyes to John Gaveney, September 23, 1908, Keyes Letter-books.

⁵⁶ *Milwaukee Free Press*, September 24, 1908.

⁵⁷ Elisha Keyes to John Gaveney, September 23, 1908, Keyes Letter-books.

In the general election contest that followed, La Follette and Davidson again crossed swords. During the primaries young Herman Ekern met defeat in his bid for renomination to the Assembly. Charging corruption, Ekern entered the general election as an independent. La Follette came into rural and heavily Norwegian Trempealeau county to stump for his loyal and able protege. Davidson, standing on the principle of party regularity and the sanctity of the primary, toured the littler Trempealeau towns for Albert Twesme. In this highly publicized clash of titans, Davidson again won.⁵⁸

A final political reverse in the 1906 through 1909 series was inflicted on the La Follette men during the 1909 legislative session. Despite Stephenson's victory in the primaries, the Progressives, led by State Senator John J. Blaine, hoped to deny him the legislature's designation on the grounds that he had corrupted the primary election. A joint committee investigated the charges, but the more conservative assembly members predominated over the Progressive senators and, after much delay, Stephenson was returned to the United States Senate.

The deterioration of Progressive fortunes in the period 1905 through 1909 had real consequences. For one thing, the 1909 Assembly was conservatively inclined and, for the first time since 1901, failed to pass a single major reform proposal. Secondly, the junior Senator from Wisconsin, Isaac Stephenson, increasingly divorced himself from the lead of La Follette and the Midwestern Republican "Insurgents," voting instead with Nelson W. Aldrich and the "Standpatters." Again, some of Governor Davidson's appointments, especially to the University Board of Regents, materially lessened Progressive influence in state administration.

In 1910, the erosion of Progressive fortunes dramatically ended and a new wave of reform in the state was launched. La Follette was reelected to the Senate; McGovern, representing an advanced, urban oriented version of Progressivism won the governorship; Progressives dominated the elections for congress and legislature. New factors, especially the backwash from the swelling national Progressive tide, were at work. Midwestern Insurgents, including La Follette, had led a well publicized and immensely popular fight against the conservatives on such issues as the Payne-Aldrich tariff, the Ballinger-Pinchot conservation controversy, and the rule of

⁵⁸ *Milwaukee Journal*, October 28, 30, 31, 1908.

Speaker Joe Cannon in the House. These issues, easily related in the oratory of Progressives to Wisconsin's own earlier struggles against "the interests" and bosses, gave new vitality to the movement in the state.

To the historian, the Progressive resurgence in 1910 has been a confusing and complicating event. For it gave rise to the myth that the Progressives ruled in Wisconsin from 1901 through 1914 without interruption. It perhaps caused exaggeration of the strengths of the Wisconsin Progressives and obscured the weaknesses. Since Wisconsin was a showcase for Progressivism in its time, misunderstanding about Wisconsin may have contributed to misinterpretations of Progressivism as a national phenomenon. The fact is that very serious weaknesses were present, even in the heyday of Progressivism. Some of them were revealed clearly in the period 1905 through 1909. Others did not show themselves that soon. Taken in combination, these limitations proved potent enough to cripple and finally destroy the movement in the state. To ignore or misconstrue them is to misunderstand a vital phase in the history of American reform.

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The Forty-Fifth Congress and Army Reform

In January of 1878 the *Washington Post* noted the need for "the general purification of the service from the blights of favoritism, flunkysism and extravagance."¹ This was a fitting remark in the beginning of a year which was to see Congress make a major attempt to rid the Army of these and other abuses. In that year the Forty-fifth Congress attempted unsuccessfully to reorganize and reform the service. Because the effort was abortive, most standard treatments of the post-Civil War era seldom mention this episode; yet it was a matter which occupied the attention of a special joint committee of Congress and aroused the champions and opponents of the Army in the last weeks of 1878 and in the early months of the following year. If the proposed changes had been carried out the Army would have undergone a major reorganization which would have affected virtually every branch of the service.

Had Congress been able to undertake this matter in a quiet, dispassionate fashion without such things as partisan and sectional opposition, considerable external pressure by interested parties, and a backlog of attempts to redefine the size and purpose of the Army from the end of the Civil War to 1878, the problem might have been solved in a satisfactory manner. But this was not the case and the efforts of Congress were understandably a continuation of frustrations that dated back to 1865. To appreciate more fully the efforts of the lawmakers of the Forty-fifth Congress it is necessary to summarize briefly the ubiquitous Army problem from Appomattox to 1878.

It should be noted that the size of the Army was seldom constant from the end of the war, and it tended to decrease or increase depending on the whims of Congress and the Indian situation.² Congress had shown no inclination to maintain the Army by adequate

¹ *Washington Post*, January 8, 1878.

² It has been estimated that in April, 1865, there were more than one million Northern men in the field. By 1870 the Army had been reduced to 32,788 officers and men, and in 1874 to 25,000. An increase of 2,500 was allowed during the Sioux War, 1875-76. In the spring of 1878 a bill was being considered which would have reduced the Army to 20,000 officers and men. Charles Francis Atkinson, "Army," *Encyclopedia Britannica* (1910), II, 623.

appropriations, and in 1876 the Democratic controlled House of Representatives attached a rider to the Army appropriation bill which provided that no federal troops be used to uphold the Republican government in Louisiana.³ In July, 1876, Congress created a commission of two Senators, two Representatives and two Army officers and the Secretary of War as member ex-officio. This commission failed to submit a report because the term of its service expired before it completed its work.⁴ In the next session the House attached a rider to the Army appropriation bill forbidding the use of federal troops at the polls of any federal election. When the Republican-controlled Senate refused to accept the House rider, the Forty-fourth Congress adjourned without appropriating any money for the Army.⁵

In the spring of 1878, Congress was still undecided as to what to do about the bill, though it did not lack proposals. Senator Ambrose E. Burnside of Rhode Island, for example, offered to insert twenty-six new sections into the bill, replacing sections 2 through 27. His proposals covered a range of subjects in the bill, but the Senate was no more interested in this amendment than in others that had been offered earlier, and the amendments failed in the Senate.⁶ Another proposal was made by Representative Abram S. Hewitt of the House Appropriations Committee who offered his own version which included reducing enlisted personnel from 25,000 to 20,500 with a corresponding decrease in the number of officers.⁷ The House accepted the reduction of enlisted personnel to 20,500,⁸ but the Senate rejected the bill because of the unpopularity of the reduced figure and in part because of the rule that no legislation could be attached to appropriation bills.⁹

In spite of the Senate's action Hewitt believed that the question of Army reform and reorganization should be raised on the basis

³ Edwin E. Sparks, *National Development*, New York, 1907, 125. *Congressional Record*, 45th Cong. 2d sess. House. vol. 8, pt. 1 (February 1, 1879), 902.

⁴ James A. Garfield, "The Army of the United States," *North American Review*, March-April, 1878, 196.

⁵ William A. Ganoe, *The History of the United States Army*, New York, 1942, 348-349.

⁶ *Cong. Record*, 45th Cong. 2d sess. Senate. vol. 7, pt. 5 (June 6, 1878), 4180. Benjamin Poore, *The Life and Public Services of Ambrose E. Burnside*. Providence, R. I., 1882, 335.

⁷ *Cong. Record*, 45th Cong. 3rd sess. vol. 8, pt. 1 (February 1, 1879), 897.

⁸ *New York Times*, May 28, 1878.

⁹ *Cong. Record*, 45th Cong. 3rd sess. House. vol. 8, pt. 1, (February 1, 1879), 897-898.

of economy. Fearful that the Army might again be used for political reasons as in the election of 1876, he obtained from the chairman of the Judiciary Committee the *Posse Comitatus* amendment, which resulted in one of the more lengthy debates of that congressional session. The Army appropriation bill was subjected to extremely rough handling by its foes, and during the spring of 1878 was sent back to the House no fewer than four times.¹⁰

The impasse created by the Democratic House and the Republican Senate was temporarily broken on May 15 with the introduction of a Joint Resolution creating a Joint Commission to explore the question of reform and reorganization of the Army.¹¹ The Commission was to meet as soon as possible and to proceed to the consideration of the matter with which it was charged. After a second reading the Resolution was referred to the Committee on Military Affairs. This resolution was modified in the Committee and when it emerged as S.R. 30, it provided for a membership of two Senators and five Representatives. No Army personnel were specifically included but one or more officers were to be assigned to the Committee as secretaries. The committee, with Burnside as chairman, was formed on June 18 and was to have its business completed by January, 1879. Five thousand dollars was appropriated to defray expenses.¹²

The effect of creating the Commission was temporarily to take the vexatious problem of Army reform from the halls of Congress and to allow the matter to be considered by a less partisan and more professional group. Until the Commission's findings were made public, Congress could turn its attention to other business at hand. The Committee requested that heads of various Army departments as well as other officers submit recommendations,¹³ and on June 22 the members met with Secretary of War, George W. McCrary, and General Sherman for an exchange of views on Army reorganization.¹⁴

The attention of the Committee was concentrated upon four

¹⁰ *New York Times*, April 9, 1878, 4.

¹¹ *Cong. Record*, 45th Cong. 2d sess. Senate. vol. 7, pt. iv (May 15, 1878), 3485. All appointments above the grade of captain were to be suspended pending the outcome of the Commission's findings.

¹² *Senate Reports*, 45th Cong. 3rd sess. Rpt. No. 555. The members of the Committee included, Senators Ambrose E. Burnside of Rhode Island and Preston Plumb, Ohio; Representatives included Horace Strait, Minnesota, Henry Banning, Ohio, George Dibrell, Tennessee, Matthew Butler, South Carolina.

¹³ *Senate Reports*, 45th Cong. 3rd sess. rpt. No. 555.

¹⁴ *New York Tribune*, June 22, 1878.

areas: staff, line, pay, and stations. Members availed themselves of materials from earlier committees and military boards, and having solicited information in writing from responsible Army personnel they hoped it would not be necessary to call many persons to appear before them for additional information.¹⁵ The Committee moved to White Sulphur Springs on July 22 to August 31 and held its sessions behind closed doors.¹⁶ The members adjourned until late November and then resumed work in New York City. In the interim the chairman was instructed to prepare the details of the bill. The Committee worked in New York about a week and because of the absence of two members adjourned on November 26. It did not resume until December 7.¹⁷

Up to this time the Committee had considered opinions from various officers and had received a response almost unanimously opposed to any reduction in the size of the Army, but on the question of interchangeability of line and staff the responses were sharply divided. Indeed, this was the most controversial matter of the reforms recommended and with few exceptions, the staff corps were opposed to any change in the existing organization. Many appointments were arranged by a Senator or a Representative and were regarded by recipients as permanent.

Once assigned to Washington these staff officers could look forward to a comfortable life free from the thought of having to spend a portion of their military career in any of the more remote posts in the country. Officers less fortunate, who were assigned to posts in the West, had little chance to be transferred to Washington and were understandably resentful of what they regarded as an unfair system. Most of the men on the staff were satisfied that the existing system was adequate and they were not willing to argue for interchangeability of line and staff. Many of the staff

¹⁵ Ltr., Secretary of War to Commission on Army Reorganization (December 10, 1878), 83/974, George W. McCrary, MSS, National Archives. *New York Tribune*, June 22, 1878.

¹⁶ *New York Times*, July 30, 1878. Senator Plumb refused to join the committee when it went to Virginia. He believed that the committee should have gone to the Far West to observe the Army against the Indians and in this way gain better understanding of the problem of reorganization.

¹⁷ *Sen. Reports*, 45th Cong. 3rd sess. rpt. No. 555. *The New York Times*, July 14, 1878. The latter erroneously reported in July that the Committee was planning to hold its meetings not only in White Sulphur Springs, but at West Point, Saratoga, and Niagara, and the *Times* pointed out, "The unusual opportunities which will be offered the Commission for thought and observation on Army matters at the several fashionable resorts named will doubtless enable them to prepare an elaborate report about the last week of the next session of Congress."

officers who wrote to the Committee were emphatic in their belief in the existing system. Inspector General R. B. Marcy wrote the Committee, "... the existing organization of the Staff Corps, with some slight modifications, is well adapted to the requirements of our service. . . . Hence I would not recommend any changes from the existing staff organization. . . ."¹⁸ Brigadier General S. V. Benet wrote Burnside, "In my opinion the organization of both line and staff should remain undisturbed."¹⁹ The Adjutant General, General E. D. Townsend, informed the chairman that "... a very large number of disinterested officers would concur in the opinion that the present system is good enough. . . ."²⁰ Brigadier General A. H. Terry informed the Committee that, "the present division of duties among the several staff departments should remain unchanged. The present staff system has been severely tried, and has endured every test to which it has been submitted."²¹

An exception to the preceding opinions came from Major General J. M. Schofield, Headquarters Department of West Point, who wrote on December 20, 1878, "... I believe the bill merits the cordial support of the Army."²²

Pleas for reform from line officers desiring staff duty in Washington were made known to the Committee, also, but for obvious reasons the authors were for the most part anonymous. Nonetheless the convictions expressed were as definite as those of their fellow officers in the Capitol.

"The present seems the most favorable time," one line officer wrote, "that has, or may soon occur, to attack the staff incubus, which has fattened upon us till it has grown to be such a monstrous monopoly."²³ Another petition stated,

¹⁸ Draft of a Bill by Gen. R. B. Marcy to Joint Committee on Army Reorganization (no date, 1878), documents to accompany *Senate Report* No. 555, 45th Cong. 3rd sess. Original of printed copy, National Archives.

¹⁹ Ltr., Brig. Gen. S. V. Benet, Chief of Ordnance, to Gen. A. E. Burnside (July 20, 1878), documents to accompany *Senate Report* No. 555, 45th Cong. 3rd sess. Original of the printed copy, National Archives.

²⁰ Draft of a bill by Gen. E. D. Townsend, Adjutant General, to Joint Committee on Army Reorganization (No date, 1878), documents to accompany *Senate Report* No. 555, 45th Cong. 3rd sess. Original of the printed copy, National Archives.

²¹ Ltr., Brig. Gen. A. H. Terry to Senator Burnside (November 11, 1878), documents to accompany *Senate Report* No. 555, 45th Cong. 3rd sess. Original of the printed copy, National Archives.

²² *Cong. Record*, 45th Cong. 3rd sess. vol. 8, pt. 1 (February 1, 1879), 905.

²³ Petitions to the Committee of Army Reorganization in *Senate Reports*, 45th Cong., 3rd sess. No. 555, vol. I, 488.

All of the General Staff are provided at considerable expense with far greater assistance and office, as well as personal conveniences and comforts, than line officers, who perform similar duties. This because they have control of the money appropriated, and they naturally provide first for themselves.²⁴

Another anonymous officer wrote the Committee, "We believe that all staff duties, except the medical and chaplains; should be performed by officers temporarily detached from the lines, and that no officer should remain on staff duty in time of peace over two years."²⁵

The task of reconciling, if possible, these divergent views as well as devoting time to other matters on its agenda was aided by the secrecy which prevailed during the Committee's period of study, a secrecy imposed so that pressure from interested individuals and groups could be avoided.

On December 12 the Burnside Committee submitted its report to the Senate. The findings as reported to the Upper House contained over seven hundred sections, the bulk of which dealt with Army code and regulations.²⁶ The Committee reported out the following list of reforms:

1. A codification of all laws relating to the Army in one act.
2. Reorganization and disposition of the Army in time of peace as a frontier and Indian police, and its disposition as a nucleus of offensive and defensive force for foreign war.
3. The reduction of enlisted personnel to 20,000, exclusive of the Signals Corps.
4. Consolidation of the Artillery branch with the Ordnance Corps and reorganization of the Artillery from regimental formation to batteries or companies.
5. Consolidation of the Quartermaster General's and Commissary-General's staffs.
6. Abolishment of the Staff Corps as a distinct group.
7. Introduction of interchangeability of line and staff.²⁷

On the question of the future size of the Army there was some difference of opinion. Some favored reduction to 20,000; others advocated a figure above the existing 25,000. The Committee had

²⁴ *Ibid.*, 493.

²⁵ *Ibid.*, 495.

²⁶ *New York Tribune*, December 13, 1878.

²⁷ *Cong. Record*, 45th Cong. 3rd sess. Senate, vol. 8, pt. 1 (December 19, 1878), 297-299.

no warrant to change the size of the Army, for that had been fixed by the last session of Congress.²⁸

Turning to the more controversial question of the staff, the report stated, "... the staff as it now exists is a relic of the rebellion, and has outlived its usefulness."²⁹ The Committee recommended that interchangeability of line and staff be established by making all officers of the staff below the rank of major detailable from the line of the Army. It also recommended that the number of field officers in staff departments be reduced to a figure consistent with the needs of the staff.³⁰ This recommendation was, of course, directly contrary to the general tenor of the letters and drafts which the Committee had received from most of the staff officers, and it was expecting too much to believe that the latter would not make great effort to defeat these proposed changes. On December 19, the Senate unanimously consented to reconsider the Committee's report. After reviewing some of the major portions of the bill in broad terms, Burnside declared, speaking of the need to revise the rules and regulations of the Army,

Nearly all of the troubles between the staff and the line—and they have been numerous, have arisen from uncertainty as to the meaning and authority of regulations and customs of the services. For this reason many of the regulations and customs of the service have been ingrafted upon this bill, and if it meets with favorable action from Congress they will become law, and cease to be subjects of discussion and discord.³¹

At the conclusion of his remarks, Burnside answered questions raised by the Senators and the Vice-President ordered the bill returned to its place on the calendar.³² Once the bill had been presented to the Senate, those groups interested in changing the portions unfavorable to their own interests lost little time in using various devices and practices to achieve their ends.

Indications of the staff's attitude were reflected by the Commanding General of the Army, Lieutenant General Philip H. Sheridan, who wrote to the Committee,

As to the reorganization of the army under the bill, I cannot give it my cordial support. I think the present organization is good and well suited

²⁸ *New York Tribune*, December 13, 1878.

²⁹ *Ibid.*

³⁰ *Poore, Burnside*, 342.

³¹ *Cong. Record*, 45th Cong. 3rd sess. Senate, vol. 8, pt. 1 (December 19, 1878), 297.

³² *Ibid.*, 300.

to our western frontier, and I am not willing to give my consent to any new and untried organization.³³

On January 6, 1879, the *New York Tribune* reported from Washington that "A number of prominent Army officers in this city have published in pamphlet form their objections to the radical changes proposed by the Burnside Bill in regard to the staff department."³⁴ According to the *Tribune*, the pamphlet cited authorities on army reorganization to show that inefficiency would result if the proposed changes were made and that the Burnside Bill would not only reduce greatly the number of line and staff officers, but stop promotions of line officers for a number of years.³⁵ Nor were interested staff officers content with merely a printed statement of their opposition to the bill. The battle was carried to the solons through social gatherings where it was hoped this more pleasant form of campaigning would aid the attacked officers and carry the day on their behalf.³⁶

On January 9, the Army Reorganization Bill was scheduled for special consideration in the Senate, but the death of a Senator caused the bill to be placed with others without a fixed place on the calendar. When Senator Burnside attempted to regain a place for it and failed, he notified the Senate that he would bring it up soon for consideration.³⁷ On January 22 Burnside presented a tabular statement comparing the existing Army with the Committee's proposed changes. This was to accompany the Committee's report on the bill (SB 1491). It was then ordered to be printed.³⁸ Late in January, the *New York Times* reported that the Commission for the reform and reorganization of the Army had met with the President and exchanged views with him.³⁹

The degree of opposition to which the committee was exposed and the press of time to adjourn forced the Burnside Committee to change its plans. On instructions from the Committee, Burnside

³³ Misc. Docs. of the Senate of the U.S., 46th Cong. 1st sess. No. 14 (January 4, 1879). Papers relating to the reorganization of the Army.

³⁴ *New York Tribune*, January 6, 1879.

³⁵ *Ibid.*

³⁶ *Cong. Record*, 45th Cong. 3rd sess. House. vol. 8, pt. 1 (February 1, 1879), 909.

³⁷ *New York Times*, January 10, 1879.

³⁸ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 1 (January 22, 1879), 621. (A Bill to Reduce and Reorganize the Army of the United States.)

³⁹ *New York Times*, January 28, 1879.

asked the President of the Senate to allow him to submit a change in the bill. The amendments stripped the original bill of all its parts except the first eighteen pages which dealt with reorganization and reduction of the Army. The deleted portion of the bill dealt with the revised code of regulations and articles of war.⁴⁰ Late in the day, on a point of order, it was agreed that the Senate would permit Burnside to withdraw part of the bill. There was no objection and the Senate ended the day's session.⁴¹

The debate in the House on February 1, was the most lengthy and candid which the bill's supporters offered in its behalf. They summed up the merits of the bill and bitterly assailed those who opposed it. The attack was led by Representative Henry Banning, who told of old captains and lieutenants reporting for duty in command of one non-commissioned officer and no private soldiers, of companies that did not contain a corporal's guard or a regimental band. Speaking of the staff, he declared:

...our large and expensive staff, that feeds, clothes, and transports our little Army, has grown to such huge proportions that it takes more money to pay them and the commissioned officers of the line than it takes to pay the entire Army of enlisted men, non-commissioned officers, and private soldiers!

Banning added pointedly: . . .

our military organization is not only (as shown by our best military critics) a weak and ridiculous one, but according to its size the most expensive one upon the face of the earth.⁴²

This reform is, of course, warmly opposed by the fortunate gentlemen now filling what the General of the Army calls 'the soft places.' These gentlemen have many friends upon this floor; they are courteous, attentive, and generous hosts, as many of you can testify; no doubt they have warned you of the dire consequences that will follow the adoption of this measure.⁴³

Banning insisted that the reforms as proposed in the bill met with support from men of the line, but declared that the bill was opposed by "the staff who have lobbied long and hard and earnestly to prevent its passage—not in the interests of the Army, nor the country—but for the sole and only purpose of preserving and sav-

⁴⁰ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 1 (January 30, 1879), 714. *Ibid.*, (February 1, 1879), 849-850.

⁴¹ *Ibid.*

⁴² *Cong. Record*, 45th Cong. 3rd sess. House. vol. 8, pt. 1 (February 1, 1879,) 902.

⁴³ *Ibid.*, 908.

ing for themselves the fat, comfortable, useless, extravagant, and expensive positions they now fill.⁴⁴

Representative George Dibrell of Tennessee, also on the Committee, told his colleagues, "No proposition is ever made in Congress to reorganize or modify the military establishment in any way without encountering the charge of premeditated injustice and unfairness to a large class of individuals." He declared that nearly ninety per cent of the amount of almost a million dollars annually appropriated for commutation in the Army was absorbed by the General Staff, whose officers were usually assigned to duty in the populous centers of the country.⁴⁵

Dibrell insisted that the deliberations of the Joint Committee were free of politics and selfishness and that the individual members looked alone, "... to the good of the service and the efficiency and economy in the administration of the Army." Speaking of the opposition which the bill had encountered, he candidly declared:

That there is an organized opposition to the bill none will deny. This organization is strong and will bring to bear a powerful influence upon Congress to defeat the bill; and why? Is it because they propose a better bill? Is it because it is against the interests of the taxpayer of the country who pay the money to support the Army? I answer, emphatically, No. It is not because they propose a better plan, not because they want to lessen the expenses of the Army below that proposed in this bill. No, sir: all of this organized opposition comes from interested parties with selfish motives.⁴⁶

Impassioned as was the defense of the bill, the probability of Congress passing it was not apparently greater than before the debate on February 1, but at least the proponents had exposed on the floors of both houses the degree of opposition the bill encountered.

On the 4th of February the House discussed the Army Appropriation Bill and considered the amendments which would have reduced the Army to 15,000, 17,000, and 20,000, but these proposals were defeated.⁴⁷

⁴⁴ *Ibid.*, 904-905. For a denunciation of the existing line and staff arrangement, see Letter to the Editor, *New York Times*, February 3, 1879. The original House Bill for the reform of the Army (HR 5499) contained 724 sections and comprised largely a rewriting of the Army regulations. The Joint Committee had agreed on a shortened version which Burnside introduced in the Senate. Banning offered this latter version to the House as the Banning-White Bill. See also *Cong. Record*, 45th Cong. 3rd sess. House vol. 8, pt. 1 (February 1, 1879), 909.

⁴⁵ *Cong. Record*, 45th Cong. 3rd sess. House. vol. 8, pt. 1 (February 1, 1879), 909.

⁴⁶ *Ibid.*, 914.

⁴⁷ *Harper's Weekly*, vol. XXIII (February 22, 1879), 143.

Just before the crucial vote in the House on February 5, Banning declared:

I know, Mr. Chairman, that to stand here and fight for this organization which line asks and which the staff opposes, is to fight against all that society has to offer a member of Congress. But while I know that, I know what it is to stand up in behalf of the people and endeavor to make their Army what General Hancock says in his evidence before a committee of this House, it should be—a small, complete, compact, vigorous organization. . . .⁴⁸

That same day, by a vote of 96-90 the reorganization bill in its entirety was defeated by the House.⁴⁹ Yet, there was perhaps, something that could be saved.

The following day, Mr. Thomas Ewing, in debate, forced out of the reform bill such items as code of regulations, the question of power between the Secretary of War and the General of the Army, and provisions relating to the manufacture of arms. With these parts deleted the House was asked to vote only on that part of the bill relating to reorganization. Again the vote was against the bill.⁵⁰

Mr. Banning came to the defense of the bill and asked the House to consider only the first eighteen pages of the original report (the same version which Burnside had introduced in the Senate). The key section of this modified bill which Banning now offered to the House was the proposal for interchangeability of line and staff.⁵¹ By a vote of 101 to 91 this Banning-White amendment was added to the Army Appropriation Bill. In spite of the House action many believed the Senate would strike the amendment.⁵² On February 8, the House version of the Army Appropriation Bill was passed with the Banning-White amendment by a vote of 116 to 92.⁵³

The Senate was notified that the bill had succeeded in the House and on the following day the measure was sent to the Senate Committee on Appropriations.⁵⁴ This committee reported out its own

⁴⁸ *Cong. Record*, 45th Cong. 3rd sess. House. vol. 8, pt. 2 (February 5, 1879), 1041.

⁴⁹ *Ibid.*

⁵⁰ *Cong. Record*, 45th Cong. 3rd sess. House. vol. 8, pt. 2 (February 6, 1879), 1061.

⁵¹ *New York Times*, February 7, 1879.

⁵² *Ibid.*

⁵³ *New York Times*, February 9, 1879.

⁵⁴ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 2 (February 10, 1879), 1151.

version of the Army Appropriation Bill and omitted all parts of the House version pertaining to Army reorganization except the portion giving the Secretary of War authority to modify Army regulations. This action was taken because the Senate would not allow the Banning-White amendment included in an appropriation bill.⁵⁵

Senator James Blaine, speaking for the Committee on Appropriations, explained the bill to the Senate, including why the committee decided to strike out the reorganization sections since there was not time to review adequately various sections of the bill.⁵⁶ When Burnside attempted to have the Senate consider the portion which the committee had deleted, he was overruled on the grounds that the idea was improper and that time did not allow for such a discussion.⁵⁷

Senator William Windom of the Appropriations Committee explained that the House Appropriation Bill came to the Senate committee at a time when it was overwhelmed with work and did not have time to explore all aspects of the bill in order to judge its merits. He told his colleagues that the committee considered the question of the expediency of attempting to reorganize the Army under existing conditions, but did not report out the House version favorably.⁵⁸

Burnside bitterly replied:

There has been a hue and a cry against this bill from the very moment it was reported. Where has that cry come from? Much of it from the staff bureaus of the Army. I surely have no disposition to injure the staff officers; on the contrary, I have a great desire to benefit them, as well as other officers of the Army. I know of no officer to whom I would not rather do a personal service than to do harm; but I must say that some of these officers have gone beyond the line of duty, particularly in one of the staff bureaus in Washington, which has almost turned itself into a bureau of newspaper correspondence. Articles instigated by them go all over this country. Not satisfied with attacking the bill, these articles make personal attacks upon me as the originator of the bill. I received papers containing these attacks in great numbers.⁵⁹

In spite of this impassioned confession, the key vote taken on the motion to strike out sections dealing with Army reorganization

⁵⁵ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 2 (February 21, 1879), 1708. *New York Times*, February 21, 1879.

⁵⁶ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 2 (February 21, 1879), 1708.

⁵⁷ *Ibid.*, 1709.

⁵⁸ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 2 (February 22, 1879), 1757.

⁵⁹ *Ibid.*, 1758.

was 45 to 18 and with it the work of the Committee and the hopes of its members were defeated.⁶⁰

The Senate then sent its version to the House only to have it rejected and a joint committee was formed to attempt to formulate a compromise. This committee could not agree on a solution and two other joint committees were formed, but these, too, reached an impasse.⁶¹ Thus the Forty-fifth Congress adjourned without appropriating funds for the Army.⁶² President Hayes called a special session of Congress and persuaded it to provide him with funds for the operation of the Executive branch of the government.⁶³

Though the story of the Burnside Committee's efforts ends in failure, reasons for this are not difficult to ascertain. The recent election of 1876 was still fresh in the minds of many Congressmen and the role the Army had played in that controversial election resulted in strong suspicions of the service by Democrats who were eager to challenge its position by reducing its power and or reorganizing it.

Among the more immediate causes for the failure of the bill was the less than skillful way in which Burnside, particularly, represented it in the Senate and the hostility shown by members of the Appropriations Committee. The GAR and the GOP had much to benefit by maintaining the close association they had known since the days after the Civil War. With powerful friends in the halls of Congress the entrenched interests of the staff would understandably be reluctant to give up their more privileged positions for assignments in less appealing posts throughout the country. The fact that the Union Army had emerged victorious was reason enough for many in Congress who honestly believed the present organization was adequate for the tasks before it. Outside of the Capitol

⁶⁰ *Ibid.*, 1759-1760. Burnside and Plumb voted for the Bill; 15 Democrats voted against it; Walter Millis, *Arms and Men*, New York, 1956, 140-141.

⁶¹ *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 2 (February 20, 1879), 1622.

⁶² *Harper's Weekly*, vol. XXVII (March 22, 1879), 223. *Cong. Record*, 45th Cong. 3rd sess. Senate. vol. 8, pt. 3 (March 3, 1879), 2339. Among the difficulties which confounded the task of agreeing on an appropriation bill was the Democratic action of the House to make it unlawful to use Federal troops at polling places, carrying with it a fine of \$5,000 and imprisonment of three to five years. The attempt to amend the revised statutes was defeated in the Senate by a straight party vote of 35 to 30. *New York Times*, February 23, 1879.

⁶³ James E. Richardson, ed., *Messages and Papers of the Presidents*, 1789-1897, vol. VII, 520-521. *Harper's Weekly*, March 22, 1879.

the business groups such as the Commercial Exchange of Philadelphia and the Boards of Trade in Cincinnati and Chicago opposed Army reduction.⁶⁴

In addition, the railroad strike of 1877 had made the business community uneasy about any decrease in the size of the Army. Nor were many Congressmen in any mood to reduce the size of the Army for any reason: those Senators and Representatives whose states would suffer the loss of military establishments could hardly be expected to treat lightly or indifferently the question of Army reduction, though reorganization would be settled on other bases.⁶⁵

The question of the Army Appropriation Bill, even stripped of the problems of reorganization and reform, was one which taxed the patience and temper of the lawmakers because of the various attempts to attach unacceptable riders to the bill. With the question of reform added to the already charged atmosphere surrounding the Army Appropriation Bill, chances for the Burnside reforms being passed were already reduced.⁶⁶ The final vote taken to strip the Appropriations Bill of the reorganization sections illustrate the partisan feeling toward the issue.

With the defeat of the measure proposed by the Burnside Committee the question of major Army reform was set aside until after the turn of the century when the reforms of Elihu Root introduced changes in the Army which far exceeded those proposed in 1878.

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⁶⁴ *New York Times*, June 8, 1878.

⁶⁵ *New York Times*, March 26, 1878.

⁶⁶ *Appleton's Cyclopaedia*, 1879, 231.

Book Reviews

The Wisconsin Business Corporation, By George J. Kuehn. University of Wisconsin Press, 1959. Pp. xi, 284. \$6.50.

In 1840 the population of Wisconsin Territory was 31,000. By 1870 it had passed a million and was still growing rapidly. During these years of rapid growth Wisconsin, and indeed all America, underwent a social transformation that was little short of revolutionary. In that change the modern business corporation played a key role. Prior to 1800 there had been but 335 private business incorporations in the whole of American history. The Wisconsin legislature alone ground out three times that many special charters in the period from 1848 to 1871. Indeed, in one busy year, 1866, it turned out 177 special charters. The evolution of the business corporation during that period is complicated, and no one investigator can tell more than a small portion of it. Added to the similar work of Dodd, Davis, Handlin, Hartz and others, this illuminating essay helps to provide insight into the relations between the law and the economy in the formative years of our industrial society. But the surface has only been scratched, as yet. An enormous amount and variety of work remains to be done before the full story can be told.

This kind of historical research is in its infancy. Some is being done by lawyers, like Kuehn, who may lack expertise in historiography, but have their own special contribution to make to the understanding of the institutional arrangements of the past. The most significant work of this kind now being done is incorporated in the Wisconsin legal history project conceived and supervised by Williard Hurst. The present book is one of at least four to be published from that project within little more than a year. These four, supplemented by other books yet to come out of the project and capped by Professor Hurst's own work on Wisconsin law, will provide an incomplete but many-dimensional and impressive picture of the way in which the law has implemented the social needs in the history of one interesting state.

Kuehn has told part of his story in a chronological and descriptive way. He deals first with the fumbling beginnings of the territorial period, then with the special concern for corporate problems in the constitutional conventions of 1846 and 1848. In 1846 a controversy over banking policy dominated the convention, and an extreme hard-money constitutional provision adopted by the convention on the vehement urging of future Chief Justice Edward G. Ryan was fatal to the final adoption of the constitution by the people. In 1848 the redoubtable Mr. Ryan was not in the convention, and the more moderate resulting document became the basic law of the state. After the constitutional conventions, Kuehn shifts to a rather loosely conceived analytical organization. He discusses first the promotion of economic development, and then the growth of regulatory activity. In both he is especially interested in the roles of the various legal agencies.

In the former he also treats at length one of the interesting problems of this period: why was there for so long a dual system of incorporation, partly by general act and partly by special charter? Even more striking, why did corporations continue to be formed almost exclusively by special chartering, even when fairly adequate general laws were available? In the second part of his analytical survey, Kuehn talks of the regulation of the economy; he notes especially a shift from regulation by the legislature to control by the courts. The administrative agency as a means of public control over the economy came later.

Kuehn's organization exhibits many provocative relationships and much information that will be useful to those who seek to understand the growth of American law or of the American economy. However, it is a striking characteristic of this kind of investigation that the facts are numerous and complex, and have many stories to tell. Another investigator, working with the same materials, could organize them differently and provide many different and equally valuable insights. This is not to assert that another organization would be better, but rather that much still remains to be said about the rise of the corporation, even in Wisconsin. For one illustration, Kuehn mentions in at least fifteen brief passages the pervasive limitation on the acquisition of land by corporations. Thus the general incorporation law of 1798 (for the Northwest Territory), limited corporations to acquisition of land the income of which did not exceed \$1500 annually. Later, banks and insurance companies were severely restricted to land necessary for the operation of the business, plus land acquired in the bona fide enforcement of rights against debtors. The latter had to be disposed of within five or six years after acquisition. One special insurance charter even enforced the disposal requirement by providing for escheat to the territory of any land acquired in the enforcement of rights against debtors and not disposed of after six years. Other charters and general incorporation acts contained similar restrictions. Nor was this pattern limited to Wisconsin. In Massachusetts, insurance company charters customarily limited real estate acquisitions to a fixed sum. In Pennsylvania it was more common to limit real estate by the annual income it produced. In New York the limit was the land "necessary" to the business. In one Virginia charter real estate acquisitions were limited to two acres. The ubiquity of the limitation on real estate acquisitions, geographically, temporally, and as to the kind of corporation involved, and the variety of techniques for setting the limit, suggest pervasive policy reasons that are independent of the kind of corporation and of the relative scarcity of land. One suggestion that has never been explored adequately is that this limitation represents the persistence of the ancient mortmain policy of English law, of keeping real property out of the "dead hand" of the medieval corporation. Kuehn's organization tends to mask the very existence of a persistent policy, and certainly fails to seek an explanation for it. A more analytical approach to his material would have thrown such problems into sharper relief.

A defect that is not necessarily inherent in his organization, but which may bear some relationship to it, is the fact that Kuehn has never felt it necessary to make quite clear what a corporation is and why it is so

useful. We are so accustomed to thinking of limited liability as the reason for incorporation, if not as the defining characteristic of the corporate form, that it may come as a shock to some to learn that many corporations did not have limited liability in earlier days. Moreover, the limited partnership was already available as a way to limit liability. The sharp modern distinction between the corporation and the partnership misleads us; we forget the intermediate forms that were tried and found wanting. The corporation is, in a sense, the end product of an evolutionary process—it was the survivor! Why? Kuehn makes some suggestions but never adequately answers the question why incorporation caught on—why it had advantage enough to achieve its present level of development. The answer would not be simple. One reason for its capacity to survive in the formative era may have been the stock note technique for semi-compulsory mobilization of scarce capital. Capital stock was sold for a cash down payment plus an assessable stock note. If additional capital was needed there was an assessment by the officers. An examination of insurance company charters and general acts in Wisconsin leads one to suspect that this technique for capital mobilization played a significant role, not only in encouraging the use of the corporation itself, but also in continuing the use of the special charter long after a suitable general act was available. Though there was such a general insurance incorporation act in Wisconsin from 1850 on, by 1871 only two companies had been organized under it, while the legislature had ground out ninety special insurance charters. One apparent reason for continuance of special chartering and for failure of the dual system of incorporation in insurance, was the scarcity of capital in early Wisconsin. The general act required paid in capital of \$100,000, while the special charters were satisfied by a limited payment in cash, coupled with the assessable stock note.

The critical paragraphs above are intended to suggest ways in which Kuehn might have done some things he did not do with his material—not to suggest that he *should* have done them. This is such a complex story that it needs to be worked on by people with varying approaches. This book makes real and valuable contributions to our knowledge. Among its many contributions, it will help to bury the hydra-headed myth of the laissez faire nineteenth century. No one can hold this false belief who spends some time in plowing through the state materials and sees the extent of government intervention in the economy at the state and local level. What needs more exploration now is the varying pattern of government intervention. For example, this book provides a nice contrast to Hartz' excellent book, *Economic Policy and Democratic Thought: Pennsylvania, 1776–1860*. Hartz documents, among other things, the substantial public investment in enterprise, especially transportation, in Pennsylvania. Kuehn tells of the reluctance to engage in the same kind of activity, which was even embedded in the Wisconsin Constitution of 1848. The two stories are related, for Wisconsin reluctance in the 1840's was in part a product of bad Pennsylvania (and other eastern) experience in earlier decades. Thus it becomes especially interesting to learn from Kuehn of the legal techniques for evasion of the constitutional prohibition. The practical

demands of the social life were difficult to oppose in the name of abstract principle, as any thoughtful practicing politician can tell you.

In short, though there are ways in which Kuehn might have done different things, and perhaps some very important different things, through a different organization of his material, this may be merely to say that another person could have thrown the light of his own special insights on the material. In any case, this book seems to the reviewer to be a real contribution to the small but growing body of literature which seeks to understand in some depth the legal institutions of the past and their place in the making of modern America.

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The Great Sioux Uprising, By C. M. Oehler. New York, Oxford University Press, 1959. Pp. xvi, 272. \$5.00.

It has been no simple job for Mr. Oehler to uncover a facet of history, virtually forgotten, neglected except in local folk lore and state histories, for over ninety years. The Sioux outbreak of 1862 did not result in the bloodiest massacre committed by Indians in North America, but it ranks well among the worst, and certainly it was more fearsome than any that followed. Yet the slaughter in Minnesota remained obscure, because, as the author rightly observes, it was "dwarfed by even grimmer events of the Civil War's second year."

In language almost terse, the author deftly chronicles the immediate causes of the uprising, the madness of the massacre, and Minnesota's quick reaction. Frequent quotations are skilfully woven into the text and serve to spice the narrative, while short paragraphs, often no more than a sentence long, underscore the excitement. Little Crow, the Sioux chieftan, is given considerable and sympathetic attention, and Henry Hastings Sibley emerges as an Indian fighter who should rank with the more pretentious Custer. One of the fine contributions of the book is the expert handling of the politics of the Indian tribes.

The occasional minor error is usually one of judgement and not of fact, but William Winthrop in *Military Law and Precedent* could have explained a military commission for Mr. Oehler, although Oehler's treatment of the trial of over 400 Sioux, especially his analysis of the crimes of the thirty-nine unfortunate Indians Lincoln did not spare, is smoothly done. The author's associates at the Chicago office of Batten, Barton, Durstine, and Osborne, as well as the reading public, might do well to note the diligence Mr. Oehler displayed in sifting numerous memoirs, reminiscences, and secondary material. He carefully notes that "Newspapers, magazines, Army, Indian Bureau, or Congressional publications . . . are generally fully identified in the notes," when in fact he refers to only three government documents (a Secretary of the Interior Report, a House Report, and a

Minnesota *Executive Document*). It would have been profitable for the author to have used the *Official Records*, various *House Executive Documents*, and to have made more use of the Reports of the Secretaries of Interior and War, Minnesota's *Executive Documents*, and other pertinent material such as the *Collections* of the Historical Societies of the Dakotas and Wisconsin. The chapter notes are the greatest deficiency. No citation is made to specific page, and in the case of the *Collections of the Minnesota Historical Society*, not even to volume or year. Quite justly, Oehler relied heavily on *Minnesota in the Civil and Indian Wars*, which contains source material unobtainable elsewhere.

This compact account is a needed footnote to general history, as well as to the history of Minnesota, appropriately celebrating its centennial this year. One could wish to know more about the amount, kind, and effectiveness of the federal government's assistance in 1862 and subsequent years, in view of its other military obligations, and more detail concerning the effect of the uprising on the rest of the northwestern frontier, but perhaps such additional consideration would have robbed the volume of its conciseness and effectiveness.

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Prescott and his Publishers. By C. Harvey Gardiner. Southern Illinois University Press, Carbondale, 1959. Pp. x, 342. Illustrated. \$5.95.

The commemorations of the centenary of the death of William Hickling Prescott began fittingly with a symposium during the Washington meeting of the American Historical Association at the end of 1958. Prescott died on January 28, 1859, at the age of sixty-three, and during 1959 suitable tributes are being published in various historical reviews. Professor Gardiner has been prominent as a contributor to the centennial anniversary celebrations finding place for his articles on phases of Prescott's life in, among others, this quarterly (April, 1959). Last year he prepared his *William Hickling Prescott: An Annotated Bibliography of Published Works* for publication by the Library of Congress, and this year he has brought to light the present volume. He is now off to Europe on a research project to complete his studies on the blind historian.

This volume does not have the purpose of describing Prescott as a stylist or literary historian, nor is it a critique of Prescott's historical objectivity or interpretive writing. Its aim is to reveal the historian's business acumen in his relations with his publishers here and abroad. The result is a new and lively portrait of the author of three best sellers, acting in practically all of the capacities known to the modern book trade—book designing, publicity, sales promotion, distribution, copyright protection, financing, and legalities. His agreements and contracts were made with four American and two British book firms, and his dealings were

many in view of the numerous reprints, chiefly of his *Ferdinand and Isabella*, *Conquest of Mexico*, and *Conquest of Peru*. However, Professor Gardiner points out, Prescott was no common haggler. He was ever "a scholarly gentleman of aristocratic temperament" in contrast with "money-grubbing booksellers and publishers of a different social world," and he found "the most agreeable part" of his correspondence to be that with his publishers. (p. 15).

Hewing to the line of author-publisher relations Professor Gardiner writes his interesting story in eight chapters. The first of these is a survey of "Prescott and the Slippery Trade," and the last is "The Personal Side" of Prescott's relations with the individual publishers, as gathered from exchanges of letters. The intervening chapters describe Prescott's adoption and use of stereotype plates, his publishing agreements, the problem of book pirates and copyrights, the author's role in book designing, promotion and distribution, and the financial sheet showing the author's income. There are thirty pages of appendices containing Prescott's publishing contracts and agreements, followed by a bibliography and suitable index. The illustrations are chiefly pictures of the publishers and happily a contemporary portrait of Prescott at his noctograph. All in all, this is a book worth reading and a credit to the printer.

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